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TAKING AND BREAKING MONASTIC VOWS IN EARLY MODERN EUROPE

ANNE JACOBSON SCHUTTE

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Acknowledgments

This book was born in Piazza Navona on a sunny January day more than ten years ago. In the final stages of completing another book and too frazzled to think concretely about a new topic needed for a grant application, I asked my lunch companion, Marina D'Amelia, for ideas about what to work on next. Off the top of her head, she replied, "Forced monachization." Marina therefore deserves sole credit for pointing me toward what has turned out to be a difficult but fascinating research project. She, of course, bears no responsibility for its protracted gestation.

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Abbreviations

Ant	Giovanni Carlo Antonelli, *Tractatus posthumus de iuribus et oneribus clericorum*
ANV II	ASV, Archivio della Nunziatura di Venezia II, Processus
ASPVe	Archivio Storico del Patriarcato di Venezia
ASR	Archivio di Stato di Roma
ASV	Archivio Segreto Vaticano
ASVe	Archivio di Stato di Venezia
b./bb.	busta/buste (envelope)
BAV	Biblioteca Apostolica Vaticana
BNM	Biblioteca Nazionale Marciana, Venice
CHAD	*Catholicisme hier, aujourd'hui, demain*
CUA	Catholic University of America
DBI	*Dizionario biografico degli Italiani*
DDC	*Dictionnaire du droit canonique*
DIP	*Dizionario degli istituti di perfezione*
DSCC	*Decreta Sacrae Congregationis Concilii*
fasc.	fascicolo (bundle)
fz.	filza, filze (file)
HC	*Hierarchia catholica medii et recentioris Aevi*
ILI	*Index des livres interdits*
LD	Libri Decretorum
LL	Liber Litterarum
Pall	Salvatore Pallottini, "Professio religiosa"
Pos.	ASVa, SCC, Positiones
Pos. Sess.	ASVa, SCC, Positiones (Sessiones)
PRP	ASVa, Parva Regesta (Positiones)
reg.	registro (register)
SCC	Holy Congregation of the Council
SCER	Holy Congregation of Bishops and Regulars
ThR	*Thesaurus resolutionum Sacrae Congregationis Concilii*

Urs D	Domenico Ursaya, *Disceptationes ecclesiasticae*
Urs P	Pompeo Ursaya (ed.), *Miscellaneum sacrum et profanum, canonicum et civile*

Pietro Longhi, *Portrait of a Family in an Interior* (late 1750s–early 1760s). Museo del Castelvecchio, Verona, inv. 5173–18064; photo Umberto Tomba. Reproduced by permission of Archivio fotografico, Museo del Castelvecchio.

Giuseppe Maria Crespi, *Benedict XIV* (ca. 1740). Pinacoteca, Musei Vaticani, Vatican City, inv. 40458. Scala/Art Resource ART192997.

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Chapter 1

Forced Monachization, 1668–1793

An Overview

Sometime in the late 1750s or early 1760s, the Venetian painter Pietro Longhi executed the group portrait on the facing page. It depicts an elite family of six—husband and wife, three daughters, and a son—with two servants. Since Longhi had patrons in Verona, where the painting has apparently always been, the family may have lived in that city.[1] Their identity is unknown, which allows us the liberty to perform a thought experiment.

The four children in the family portrait are young. The eldest girl may not yet have reached puberty,[2] and the boy in the female servant's arms is still a baby. Whether all, some, or none of them will survive into their midteens and whether other offspring will join the family the parents cannot know. Still, the father and mother, serenely sipping chocolate, are already making tentative plans for the children's futures. If the son survives, they will arrange his marriage so that he can carry on the family line; he will inherit the bulk of the patrimony. Marrying all three girls appropriately would require a large, probably unaffordable, outlay for dowries. It is likely, therefore, that

1. Moschini, 182–83; *Pietro Longhi,* 182–83.

2. For some unexplained reason, the Museo del Castelvecchio's official description, kindly supplied by Arianna Strazieri of the Archivio Fotografico, does not include the eldest girl among the couple's children. I follow the latest exhibition catalogue, which does. *Pietro Longhi,* 182–83n82.

the father has in mind disposing of one or two of them less expensively by making them nuns, regardless of whether they have any inclination for life in religion—a plan to which their mother may object. Should more sons be born, life as monks or friars, willy-nilly, may await one or more of them; the same will be the case with additional daughters. Besides obviating the need to assemble large marital dowries for the girls, monachization will entail the important advantage of removing these offspring from the inheritance stream.[3] Among neither the boys nor the girls will those selected for monastic life necessarily be the younger ones. Indeed, if one spouse dies, the other remarries, and the four children depicted here acquire stepsiblings and/or half siblings, a new set of calculations will have to be made, probably involving acrimonious negotiations about whose children from previous marital unions will be destined for the cloister. It is virtually certain that at least some of those born in one, the other, or both first marriages will be consigned to religious houses.

Argument of This Book

Calculations of this sort regularly occurred in elite and middling families all over Catholic Europe. Not infrequently, as just suggested, they led to elders' compelling unwilling adolescents to become professed religious. This book sheds new light on forced monachization, a phenomenon of the early modern period to which historians have hitherto accorded only sporadic, unsystematic attention. Unlike previous studies, it focuses not on a single instance but on 978 petitions for release from monastic vows submitted to the pope and adjudicated by the Holy Congregation of the Council between 1668 and 1793. As the maps in chapter 9 show, petitions arrived from Roman Catholic regions across Europe. Given multiple difficulties in conducting litigation from a distance, the farther a region was from Rome, the smaller the number of petitions generated there. A very few originated in Latin America. None came from New France (Canada) or Asia, to which European religious went by choice and the acceptance of indigenous members was long in coming. The scope of this book is therefore transnational but not global.

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3. "Monachization" is the only appropriate word for becoming or being made a religious. Two other nouns often used by Anglophone writers, "monacation" and "monachation," are not to be found in the *Oxford English Dictionary* or any other English dictionary I have consulted. "Monachization," referring to both men and women, is more appropriate for my purposes than "claustration," because only women were cloistered. For the sake of variety, I alternate the adjectives "coerced," "forced," and "involuntary."

I certainly do not mean to suggest all or most of inhabitants of religious houses were compelled to enter them. As Gabriella Zarri, speaking of nuns, has rightly observed:

> The idea that all nuns considered the convent a prison . . . is a tendentious generalization. On the other hand, it is true that economic, cultural, and social imperatives were soon superimposed on the religious objective of convents, which changed the nature and function of female monasticism to the point that in the late Middle Ages and early modern period, convents were inextricably linked with families and feudal or civic power structures. They were, in short, an extension of the patriarchal family, a container for excess population—but also a solid center of power and possibility of self-realization for women, or to use the technical vocabulary of gender history, of "female agency."[4]

The same may be said of male monastic institutions. Women and men who considered themselves called by God to the religious life found in convents and monasteries a terrestrial paradise—a golden opportunity to escape the temptations of "the world," worship God without distraction, and perfect themselves in the hope of spending eternal life in heaven.

To many of those who entered religious houses against their will, on the contrary, monasteries and convents represented an earthly inferno. How to escape this hell on earth? How to make sure that they were not eternally damned for living a life to which God had not called them? The popular image of numerous lusty runaway monks, friars, and nuns ranging around early modern Europe is a myth. Taking to their heels was not a realistic alternative for most male religious, and even less so for nuns. That the Church offered a legal opportunity to leave monastic life and reenter the secular world proved appealing to an incalculable proportion of reluctant religious. In order to take advantage of it, however, they had first of all to learn that a legal avenue of escape was available—which was not a matter of common knowledge. Then they had to muster the courage, moral support, logistical assistance, and financial wherewithal necessary for making an appeal in the first place and then sustaining legal action over an often protracted period of time—several years at least, often decades.

In this book I reverse a number of hardy but erroneous stereotypes and reach several startling conclusions about forced monachization. All bear directly or indirectly on the composition and functioning of elite and middling early modern families. First, coerced monachization was not exclusively or even

4. Zarri, "Presentazione" of Tarabotti, 8–9.

predominantly a female problem. Among my 978 petitioners, 807 (82.5%) were men. Second, not only cadets (adolescents below the top of the birth order) were coerced into entering monasteries and convents. Especially, but by no means exclusively, in blended families, elder offspring were often consigned involuntarily to religious houses and younger ones allowed to marry. Third, sexual urges, while by no means absent from the record, did not constitute the main reason why reluctant religious resented, resisted, and sought legal recourse against enforced monachization. In Roman Catholic regions, finally, the eighteenth century did not witness the emergence of a new, "modern" family—one in which harsh patriarchal comportment gradually gave way to more equitable relations between spouses and warmer, more affectionate attitudes and behaviors on the part of parents toward their children.

I proceed as follows. This chapter provides a preliminary outline of legal procedures for obtaining release from monastic vows and lays out the principles on which I operate. By tracing the concept of forced monachization through treatments in imaginative literature from the sixteenth to the nineteenth centuries and then in historical writing, I show in chapter 2 how the incorrect assumption that only women were coerced into religious life developed, solidified, and has remained in place until the present day. I turn in chapter 3 to the means elders used to force adolescents into monasteries and convents. In chapter 4 I explain in detail how petitions brought before the Congregation of the Council were handled. Chapter 5 concerns the contract and its vitiation by fear, legal and theological concepts common to discussions and litigation involving both monachization and marriage. Then I turn to a key set of actors in the drama of forced monachization: the witnesses who testified to their own and others' knowledge of the circumstances as well as shedding light on petitioners' strategies of resistance (chapter 6). Next I consider psychological and geopolitical aspects of the phenomenon: distance (chapter 7) and war (chapter 8). I conclude in chapter 9 by considering continuity and change.

Gaining Release from Monastic Vows: An Overview

Before moving into the body of my argument, I consider it essential to provide a preliminary orientation to the procedures investigated here and the sources used to examine them. Until the mid-sixteenth century, religious seeking release from their vows had to approach that all-purpose font of exemptions, the Apostolic Penitentiary.[5] During the twenty-fifth and final

5. On the Penitentiary's handling of a few petitions for release from monastic vows, see Tamburini, 64, 85, 159–60; and Schmugge, 692–94.

session of the Council of Trent (3–4 December 1563), its members—in a hurry to conclude their deliberations and without thorough consideration—voted to change the procedure. Chapter 19 of the *Decretum de regularibus et monialibus* (*Concerning Regulars and Nuns*) stipulated that during the first five years following profession, a religious of either sex wishing to leave monastic life must approach his or her ordinary (bishop) and local monastic superior.[6] Subsequent case law soon established that after five years had elapsed, he or she could send a petition (*instantia pro restitutione in integrum adversus lapsum quinquennii*) to the pope,[7] who would determine whether to forward it to a Roman judicial organ for consideration.

Supplicants for release from monastic profession alleged that their vows had been taken in violation of one or more requirements of the Council of Trent and/or of their orders. Chapter 15 of *Concerning Regulars and Nuns* stipulated that novitiates, usually lasting one year, must be complete and uninterrupted. Professions, the Council fathers ruled, must not be made before the designated minimum age: in most orders, sixteen for *coristi* and *coriste* (full-fledged monks, friars, clerks regular, and nuns, who were required to fulfill all liturgical obligations and entitled to vote in chapter meetings), twenty-one for lay brothers and sisters (second-class monastic servants).[8] Chapter 17 prescribed that female professands be interrogated by bishops or their vicars general in order to ensure that they were taking their vows voluntarily, not under compulsion, and that they fully understood the commitment they were making.[9] Chapter 18 proclaimed anathema against anyone who forced a woman into a convent or prohibited one with a religious vocation from fulfilling it.[10] It is worth noting the gender discrepancies in this Tridentine decree: two of the four chapters (15 and 19) are not sex specific; two others (17 and 18) apply only to women.

Regulations of many male orders restricted their membership. No one with a preexisting incurable malady such as epilepsy, syphilis, or madness was eligible for admission. Neither was a bastard (unless he had previously obtained an exemption from this disability) nor, in a few orders, a person

6. *Conciliorum Oecumenicorum Decreta,* 782; *Decrees of the Ecumenical Councils,* 782.

7. I thank Carlo Fantappié for having supplied a word, *lapsum,* that is often missing from this term.

8. *Conciliorum Oecumenicorum Decreta,* 781; *Decrees of the Ecumenical Councils,* 781. The Latin terms for lay brothers and sisters are *conversus* (plural-*i*) and *conversa* (plural-*ae*). To avoid confusion with Christians of Jewish ancestry, who were also called *conversi,* I refer in English to lay brothers and sisters.

9. *Conciliorum Oecumenicorum Decreta,* 781; *Decrees of the Ecumenical Councils,* 781.

10. *Conciliorum Oecumenicorum Decreta,* 781–82; *Decrees of the Ecumenical Councils,* 781–82.

with non-Christian or heretical ancestors. Some young men concealed congenital diseases, hoping that their illnesses would remain undiscovered or disappear. Others later claimed to have been unaware of the restrictions. When the irregularity of their profession came to light, they hastened to apply for annulment of their vows, a solution preferable to being expelled from their orders.

Not infrequently, petitioners claimed on more than one circumstantially related ground. An interrupted novitiate, for instance, usually resulted from a male petitioner's temporarily fleeing the monastery in an attempt—usually stymied by capture and reconsignment to the house—to evade a destiny he had not freely chosen. Premature profession frequently involved the attempt by elders to settle a young man or woman in monastic life as early as possible. Silence about an impediment might well result not (or not only) from a candidate's autonomous decision to conceal it but also from pressure on the part of elders anxious to dispose conveniently and inexpensively of a youth who was handicapped or considered otherwise unfit for life in the secular world.

Until now, scholars have assumed that two Roman courts—the Rota, dating from the late twelfth century; and the Holy Congregation of Bishops and Regulars (SCER), established in 1601 by the merger of two congregations founded earlier—adjudicated all claims of forced monachization.[11] Such is not the case. In 1564, the year after the Council of Trent closed, Pius IV established a standing committee of cardinals to handle all issues arising from Trent's disciplinary decrees. In 1588, as part of a major reorganization of papal government, Sixtus V formalized its name, Holy Congregation of the Council (Sacra Congregazione del Concilio, hereafter SCC), and reaffirmed its responsibilities.[12] Since the Council of Trent had legislated on the circumstances of monachization, cases regarding annulment of monastic vows naturally fell under the SCC's jurisdiction.

Waging legal battle in any of these courts was costly, but doing so in the Rota seems to have been particularly expensive.[13] Auditors of the Rota, midcareer bureaucrats, lacked the prestige of cardinals who sat on papal congregations; the SCC, in fact, could order the Rota to revoke a decision. Although it handled some cases of coerced monachization, particularly of women, the Congrega-

11. On the Rota and the SCER, see Del Re, *La Curia Romana,* 243–59, 330–34.

12. Pius IV's *motu proprio* entitled *Alias nos nonnullas* (2 August 1564); Sixtus V's constitution *Immensa aeterni Dei* (11 February 1588). On the SCC, see *The Catholic Encyclopedia* (1907), "Roman Congregations" and "Roman Curia, I. Tribunals."

13. Hoberg, 17.

tion of Bishops and Regulars seems to have dealt mainly with such matters of ordinary administration as the size of apertures in the grates separating visitors from nuns in convent parlors; the location of and bars on windows; and musical and theatrical performances in female houses.[14] There is good reason to think that the SCC dealt with most cases of involuntary monachization.[15]

When they received a petition passed on by the pope, the SCC would direct the bishop of the relevant diocese—usually the one in which the supplicant had professed—to conduct a *processus* (investigation) in which witnesses who could shed light on the supplicant's claim were interrogated. Sometimes two dioceses were involved. Once the transcript or summary of these proceedings was forwarded to Rome, the SCC deliberated on the evidence and reached a decision. If it favored the petitioner, the pope issued a decree of *restitutio in integrum:* restoration to the petitioner's previous status as a lay person.[16] The SCC then directed the petitioner's ordinary to issue the complementary decree of *nullitas professionis,* which declared the petitioner's monastic vows void.[17] Ordinarily, as mentioned earlier, these proceedings took several years—much longer when the petition was contested or other complications arose. Speed was hardly the SCC's forte, but the body had a deservedly high reputation for judging fairly. "If ever disinterested sagacity might be expected from the judgments of man," one legal scholar has remarked, "it could be expected from this lofty and secure pinnacle."[18]

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14. On convents and music, see Monson, Kendrick, and Reardon; on convent theater, see Weaver. These scholars made extensive use of the records of the SCER.

15. One influential early modern writer on canon law strongly implied that petitions concerning monastic profession were normally adjudicated by the SCC. Passerini, 3: 745–63 ("Inspectio IX: De reclamatione contra professionem"). Others appear to have assumed it. In her doctoral dissertation on the SCER and female religious, Francesca Medioli states she came across only about thirty cases of forced nuns in the second half of the seventeenth century. Medioli, "Per una storia." In contrast, between 1668 and 1699 (a period shorter than the half-century Medioli considers), popes passed to the SCC 318 petitions for release from monastic vows, 59 from women and 259 from men. In the only recent study devoted to release from monastic vows, Janusz Kowal's doctoral dissertation in canon law, based almost exclusively on papal and conciliar decrees, he wrongly assumes that after Trent, the SCER handled such cases.

16. The decree of *restitutio in integrum* is an extraordinary legal means of restoring a person who has suffered a grave injury to the legal position he or she held before the injury. For its origin in Roman law, see Berger, 682. For its canonical applications, see Naz, 661–68; and Ghesquières, "Restitutio in integrum."

17. See Ghesquières, "Nullités." Before the five-year period had elapsed, a monastic authority issued the decree; which one depended on the order's chain of command. Dominican scholar Arturo Bernal y Palacios, personal communication. Occasionally, the ordinary dragged his heels or refused outright to declare *nullitas professionis,* in which case the pope issued this second decree.

18. Noonan, *Power to Dissolve,* 107–8.

Sources

In the absence of inventories and without an équipe, a single researcher cannot explore in a systematic way the records of the Rota and the SCER.[19] For this reason, I have chosen to work on the SCC. As previously stated, in its records I have found evidence of almost one thousand petitions from religious for release from their vows filed over a period of 125 years, 1668–1793.[20] Whether these cases represent the lion's share of petitions for release from monastic vows filed in Roman courts, as I am inclined to assume, is impossible to determine. Nonetheless, they certainly constitute a statistically significant number. By working back and forth between six sources (four archival series, a printed series, and a nineteenth-century publication), one can arrive at an approximate understanding of the extent of the SCC's involvement in cases of coerced monachization. Because these records in the Archivio Segreto Vaticano, seldom used by historians for any purpose, are not well known, I will list and describe them here.

1. The Libri Decretorum (LD), beginning in 1573, contain summaries of the SCC's actions. This series is comparable in importance to the Decreta Sancti Officii. (minutes of meetings of the Congregation of the Holy Office) held in the Archive of the Congregation for the Doctrine of the Faith. Organized chronologically by meetings of the Congregation, the volumes contain alphabetical indexes of dioceses (by their Latin names) in which matters under consideration originated; the index entries usually identify cases concerning petitions for release from monastic vows. Until 1681 each volume covers several years; from 1682 (volume 32) on there is one per year. Volumes in this

19. The sole guide to Rota proceedings in the early modern period is ASV, Index 1072, Positiones Sacrae Romanae Rotae (1633–1654), prepared by Herman Hoberg. For the twenty-one-year period it covers, the index lists eighteen cases definitely and eight others possibly involving petitions for release from vows: an average, if all are included, of 1.24 cases per year. In contrast, during the first twenty-one years (1668–89) of the period I consider here, the SCC handled 203 such cases: an average of 9.67 per year.

20. The SCC undoubtedly conducted other proceedings on forced monachization to which I have been unable to gain access. On the vicissitudes of the SCC's records, not all of which returned definitively to the Archivio Segreto Vaticano in 1958, see Caiazza, 7–24. According to Caiazza, an inventory for the period 1668–1834 (the Rubricelle) and a third series of Positiones (carte sciolte [loose papers]) are still held by the Congregation for the Clergy (the former SCC, renamed by Paul VI in 1967). Ibid., 9, 11, 14–16. When I visited that Congregation's headquarters, the functionary with whom I spoke insisted that all its records had passed to the ASV. Archivists in the ASV resolutely denied that their archive held the Rubricelle and Positiones (carte sciolte). Stymied by this Catch-22, I was unable to consult these two series.

series must be ordered at the front desk; one can inspect only three (or with special permission to work in the archive in the afternoon, six) per day. Given this limitation, the Libri Decretorum do not constitute a source of first resort.[21]

2. The series Parva Regesta (Petitiones) starts in late 1668, when—presumably for reasons of administrative convenience—the SCC ordered its clerical employees to begin compiling small, easily consultable registers summarizing the actions it took. The accessibility of this series on open shelves in the reference area of the archive explains why my investigation begins in 1668.[22] These volumes are organized by date of meeting and under each date alphabetically by the Latin names of dioceses in which matters originated. They contain frustratingly terse notations. The only constants are the date, sometimes mistaken, and the diocese. Petitioners' names, their monastic affiliations, precise indications of the actions the Congregation took, or all three of these elements are often missing. Thus one can hardly begin here, either. Still, the Parva Regesta (Petitiones) enable one both to find cases and actions recorded nowhere else and to trace the earlier stages of proceedings in cases discovered in other sources.[23]
3. One series of cause papers (written materials, manuscript and printed, generated during a trial), Positiones (Sessiones), covers the period before 15 December 1681. Their fragmentary contents—what remains of the paperwork generated in cases brought before the SCC—are filed topically by sessions of the Council of Trent. A sketchy modern inventory of Positiones (Sessiones) proved useless for my purposes.[24]
4. The subsequent series of cause papers, Positiones, begins on 15 December 1681 and ends in 1908, when Pius X radically curtailed the SCC's mandate, depriving that body of the responsibility for adjudicating

21. LD 24–143 (1668–1793).

22. Without a timely suggestion from Luca Faoro, I might never have discovered the existence of this series.

23. PRP, 1–106 (November 1668–1793). Between 20 April 1793 and the first years of the nineteenth century, the Congregation of the Council received no petitions for release from monastic vows.

24. Pos. Sess. Random checking turned up two volumes in this series, 250 and 251, containing fragments of proceedings from about 1670 to 1681. None of them is listed in ASV, Indices 910–24, Fondo storico della S. Congregazione del Concilio-Positiones (Sess.) (1969–91), an incomplete inventory begun by Domenico Troiani and continued by Pietro Caiazza. According to Caiazza, 13, the series Pos. Sess. consists of 271 volumes.

petitions regarding forced monachization.[25] Since the SCC adjudicated no cases of petitions for release from monastic vows between April 1793 and the early years of the nineteenth century, my investigation terminates in 1793. Each enormous box is arranged in roughly alphabetical order by names of dioceses. Usually but not always, the Positiones contain the cause papers of proceedings one is interested in. Over time, an increasingly large proportion of them are in printed form. Given the inaccessibility of the inventory, laying one's hands on the right box is far from easy. Cause papers may be in the box containing actions on the date when the SCC made its final ruling, on the date when it reconsidered the case and decided to let the previous decision stand, or in long and complex cases on several dates. The papers relating to a meeting of the SCC on any given date, furthermore, may be in a single box or divided between two or even three. With the box containing records of a particular case in hand, one encounters a treasure trove of details about the circumstances in which an individual was forced into religious life, as well as insight into the legal moves made by his or her attorneys—and if the petition was contested, as many were, by counsel representing one or more opponents.[26]

5. For the printed series *Thesaurus Resolutionum Sacrae Congregationis Concilii* (ThR), those who resorted to the SCC and modern students of it owe thanks to the Bolognese jurist and ecclesiastic Prospero Lambertini (1675–1758), a major contributor to the evolution of canon law and bureaucratic procedure.[27] From 1718 to 1728 Lambertini served as secretary of the SCC. In 1739, the year before he was elected pope (taking the name Benedict XIV), he decided to make selected resolutions of that body available in printed volumes of manageable quarto size for the benefit of bishops, their vicars, canon lawyers, and officials in ecclesiastical courts. The first volume opens with cases decided in 1718, the year when Lambertini became secretary of the SCC. "Resolutions" are not decisions of the court in the modern

25. Caiazza, 8.

26. Pos. 1–1525 (15 November 1681–20 April 1793). This series totals 5,368 volumes. Caiazza, 13.

27. Until recently, Lambertini has generally been considered a theological moderate with some sympathy for Enlightenment ideas. Noonan characterizes him as "the most brilliant person ever to hold" the office of secretary of the SCC and "the most knowledgeable, the most energetic, and the most humane canonist ever to be chosen as the supreme ruler of the Church." *Power to Dissolve,* 109, 123. Caffiero, however, has recently revealed his dark side: he paved the way for the papacy's anti-Semitic turn.

sense of that term but summaries prepared by the SCC's secretaries. This series makes it possible to locate the later stages of proceedings concerning release from monastic vows and the many other issues with which the SCC dealt. For the period 1718 to 1793, it served as my vade mecum.[28]

6. The section "Professio religiosa" in Salvatore Pallottini's massive collection of resolutions of the SCC appeared in the late nineteenth century.[29] A canonist who served as consultant to several Roman congregations, Pallottini naturally focused on the legal rather than the historical import of petitions for release from monastic vows. Relying exclusively on the Libri Decretorum and previous manuscript compilations of their contents, he did not delve into the Positiones. Nonetheless, his work proved helpful in locating cases, particularly from before 1718, which I had not found elsewhere.

Numbers

Almost half of the cases I have gathered (47.6%) are fragmentary: there are one or a few mentions of their being discussed by the SCC, but no indication that a decision was reached. The others are "complete"—by which I mean that the SCC ruled for or against releasing petitioners from their vows.[30] In less than half of the "complete" cases (43.2%), the ruling favored the petitioner. The success rate of women (70.8%) was much higher than that of men (37.6%).[31]

Taken together, the fragmentary and "complete" cases can provide a rich qualitative picture of forced monachization's geographical and temporal dimensions. For several reasons, they do not lend themselves to further quantitative analysis:

- Generalizations about the total number of religious at any given time, the proportions of male and female religious across the Roman Catholic world or in any particular geographical area, and the rise or decline in religious profession over the period covered in this study cannot be

28. *ThR*. I used the copy in BAV, shelf-mark Mai.X.O.VIII.

29. Pallottini, 15: 375–508. As Pallottini stated in the introduction to the first volume, he compiled information only from LD and *ThR*.

30. Although some fragmentary cases mentioned only in PRP probably escaped my attention, I am reasonably confident that I have inspected all those in which the SCC reached a decision.

31. See table 1. A searchable database of petitioners and outcomes may be found at http://faculty.virginia.edu/monhell/.

Table 1. Cases of Forced Monachization Adjudicated by the SCC

	TOTAL CASES	"COMPLETE" CASES (SCC REACHED A DECISION)*	PETITIONS GRANTED	PETITIONS DENIED
Men	807 (82.5%)	416 (51.5% of all male cases)	153 (19.0% of all male cases, 36.7% of "complete" male cases)	258 (31.9% of all male cases, 62.0% of "complete" male cases)
Women	171 (18.5%)	96 (56.1% of all female cases)	68 (39.8% of all female cases, 70.8% of "complete" female cases)	27 (15.8% of all female cases, 28.1% of "complete" female cases)
Total	978	512 (52.3% of all cases)	221 (22.6% of all cases, 38.6% of "complete" cases)	285 (29.1% of all cases, 55.7% of "complete" cases)

* On numerous petitions the SCC made two or more decisions; I have counted only the final one.

buttressed by solid evidence. (I revisit these issues in the concluding chapter.)

- To extrapolate from the number of monks, friars, clerks regular, and nuns who petitioned the SCC for release—a self-selected minority—and arrive at or even estimate the total number of involuntary religious is obviously impossible. There is no way of knowing how many cases of this kind were adjudicated by other tribunals, let alone how many reluctant religious silently resigned themselves to their fate and/or lacked the knowledge, support, and money to mount a legal challenge.
- By itself, the bare fact that, for instance, one of Roman Catholic Europe's most populous dioceses, Naples, generated an enormous number of petitions and another, Paris, only four cannot support the conclusion that forced monachization was a massive problem in the former city and an insignificant one in the latter. Given the broad scope of my book, in only a few instances have I been able to provide extensive political contextualization that suggests why many cases originated in some dioceses and few in others.
- Given the virtual absence of reliable statistics on early modern monastic populations, numbers alone—for instance, the fact that many Observant Franciscan friars[32] and Clarisse (Poor Clare) nuns, but almost no

32. Here may be as good a place as any to untangle the web of Franciscan affiliations. During the fourteenth and fifteenth centuries, a growing number of Saint Francis's male followers pressed for returning to the founder's original way of life. In 1517 these rigorists, the Observants, obtained official separation from the Conventuals, those who continued to follow "relaxed" or "mitigated" versions of the Franciscan Rule. See *CE,* "Order of Friars Minor"; Odoardi; and Schmitt. The Third

Jesuit priests and Discalced Carmelite nuns, petitioned for release—reveal nothing about levels of discontent in various monastic families.

In short, with the partial exception of chapter 9, this is not a numbers-crunching book. For those who wish to pursue quantitative investigations, however, I have included tables, graphs, and maps. Outside the book, I have made available a searchable database of all 978 cases: http://faculty.virginia.edu/monhell. All these, I hope, will serve those whose bent is different from mine.

Thinking with Cases

Having explained why I eschew quantification, let me describe the strategy I have chosen to adopt.[33] Animals, as the anthropologist Claude Lévi-Strauss famously remarked, are "good[s] to think with."[34] So, as Mary Lindemann pointed out not long ago, are stories. "Equally useful for the historian," she observed, "are the paired concepts of 'listening *with*' storytellers (rather than only listening *to* them) and 'thinking *with*' stories (rather than merely thinking *about* them." She went on to write that the storytellers we study do the same: "Actors and those portraying the actions of others not only 'recount' or 'summarize' but also twine in 'other, larger cultural stories' as they style their individual ones."[35]

To make clear what I am up to, it is necessary for me to clarify my position on thinking about and with cases. Do my cases shape my interpretive

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Order of Saint Francis (generally known as TOR) had achieved independent status around 1485 (see Pazzelli and Rocca). In the sixteenth and early seventeenth centuries, several other Franciscan reform movements gave rise to separate organizations: the Capuchins (see Melchiorre da Pobladura), the Reformed (see Sbardella), the Recollects (see Péano), and the Alcantarine Discalced (see Odoardi and Matanić). There were two varieties of female Franciscans: Clarisse (Poor Clares) and Franciscan Tertiaries. "Discalced," a term used by many groups of male and female religious adopting a stricter version of their order's current rule, literally means wearing sandals (with or without socks) rather than shoes.

33. This section and the following one owe much to my ongoing conversations with Silvana Seidel Menchi. Passeron and Reve's lead essay in their edited collection has recently popularized the phrase "thinking with cases." They did not, however, initiate consideration of the procedure, which dates back at least forty years to discussions by anthropologists and practitioners and critics of microhistory.

34. "On comprend enfin que les espèces naturelles ne sont pas choisies parce que 'bonnes à manger' mais parce que 'bonnes à penser.'" Lévi-Strauss, 128. The plural "bonnes" can be either an adjective or a noun, an ambiguity on which Lévi-Strauss no doubt deliberately played. Leach (31–32) opted for treating "bonnes" as a noun: hence, "goods to eat," "goods to think with." Anthropologists in the United States, however, treat "bonnes" as an adjective. I am grateful to the anthropologist Susan McKinnon for her counsel on this matter.

35. Lindemann, 135. Lindemann's quotations come from Arthur W. Frank, *The Wounded Storyteller: Body, Illness, and Ethics* (Chicago: University of Chicago Press, 1995).

framework, does my interpretive framework determine my reading of cases, or do influences run in both directions? What exactly are my "cases," and what does "thinking with" and writing about them entail? To answer these questions, let me offer a concrete case about and with which to think. I have chosen the very first one I encountered. As to whether it can properly be called "typical," "exemplary," "paradigmatic," "extreme," or something else, I prefer to reserve judgment.

Born in Rome on 13 June 1641, Agnese Frosciante became an orphan at age fourteen. Four days after the death of her widowed mother, two of her elder brothers—Giacomo Vincenzo, a Dominican friar, and Francesco, a layman—took her to Spoleto claiming that they intended to place her "in education" (consigned to a convent in order to be protected from sexual temptation and assault and to learn reading, writing, needlework, and good manners) with an elder sister, Suor Maria Francesca, in the Dominican house of Sant'Andrea. If she did not like it there, they assured her, she could come home. As Agnese soon discovered, they were lying. Five days after she arrived at Sant'Andrea, her paternal uncle, the Dominican friar Pietro Martire, vested her as a novice, imposing on her the monastic name Caterina Angelica.[36] Her uncle's friend Bernardino Michieli recalled many years later that she dissolved into tears and exclaimed, "For the love of God, don't shame me this way!" At this point, her brother Francesco fainted. When Michieli inquired about the reason why, Francesco retorted, "What do you think it is? My poor sister, they've given her the habit against her will . . . and I can't help her at all; they're making me stand here like a statue." To his brother Giacomo Vincenzo, he exclaimed, "God forgive you, she told you she didn't want to become a nun." "Shut up!," the friar retorted. "What I must do will be my burden."[37]

During Agnese's novitiate, her brothers Giacomo Vincenzo and Francesco succumbed to the plague. As the time for making her profession drew near, she voiced her intention to throw off the habit and flee the convent. At her sister's request, another elder brother, Felice, wrote her a brutally threatening letter:

> Prepare yourself to do it [take the vows] because I don't want the shame [of your not professing]—and don't think that because Fra Gia-

36. Pos. 34 (9 February 1686), Spoletan. Frosciante's petition did not mention the important fact that at the time of her profession in late 1657, she was seven months short of sixteen, the minimum age; but in his testimony on 21 January 1682, her brother Luca noted that her vestition was premature. Pos. 34, *Facti & Iuris* (Rome: Reverenda Camera Apostolica, 1685); *Summarium* (Rome: Reverenda Camera Apostolica, 1685), A1v-A2r. Agnese's siblings may have included other sisters, but Maria Francesca is the only one mentioned in the cause papers.

37. Ibid., A3r-v (testimony of Bernardino Michieli, 10 September 1683).

> como is dead you can do what you like, for I'm alive, and I'll take the pique and the whims right out of your head [*mi levarò le mosche su dal naso, e li capricci di testa*]. You know that I've married and [my wife] is called Agnese, and I don't want so many Agneses around the house. . . . If you think you can return to Rome, you're deluding yourself, because I'll throw you into the first ditch I find along the road.[38]

Fearing that if she refused to profess, her brother Felice and uncle Pietro Martire would kill her, Agnese took the solemn vows of poverty, chastity, and obedience. Then, and for the next twenty-five years, she told anyone who would listen that she had been made a nun against her will. In 1681, some years after Felice and Pietro Martire had died, she petitioned the pope.[39] The SCC, to which her *supplica* was passed, ordered Cesare Fachinetti, cardinal archbishop of Spoleto, to conduct an investigation and forward the dossier to Rome. On 15 November 1681 the SCC rejected her petition.[40]

Unwilling to take no for an answer, Agnese tried again. On 17 November 1685 the SCC granted her request for a new hearing.[41] During the preceding years, the vicar general of the diocese of Spoleto had interrogated additional witnesses. Among the many nuns in Sant'Andrea who testified, three stated that they wished to relieve their consciences of responsibility for Agnese's soul, which was certain to be damned if she remained in the convent.[42] Two male witnesses provided details about her frequent shouting matches with uncle Pietro Martire.[43] A one-time cellmate explained the timing of her petition: "And she also told me that as long as her uncle the friar was alive, she couldn't make her case because he was threatening her. 'Now that Uncle is dead,' she said, 'if my brother Luca is willing to help, I want to make my case legally.'"[44]

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38. Ibid., A3v-A4r (Felice Frosciante to Agnese Frosciante, 28 April 1657). Either because Agnese was illiterate or more likely because Felice thought that her hearing his message from another sibling would have a greater impact than perusing it herself, Maria Francesca read the letter to her. *Facti & Iuris,* A1v (testimony of Suor Maria Francesco Frosciante, 16 September 1681).

39. Felice died after a fall at age thirty-three on 19 February 1660, Pietro Martire at age eighty-four on 1 November 1673. Pos. 34, unnumbered leaves. The continuing opposition of her two surviving siblings, Maria Francesca and Luca, probably explains Agnese's eight-year delay in appealing.

40. PRP 7; LD 32:23v.

41. PRP 8.

42. *Summarium,* A1r-v (testimony of Suor Maria Francesca Frosciante, 16 September 1681); A2v (testimony of Suor Raimunda Camilla Rescaccini, 10 January 1682; and Suor Maria Serafina Scarducci, 14 August 1684).

43. Ibid., A3r, A4v-A5r (testimony of Bernardino Michieli, 10 September 1683; Mario Palmeri, 13 September 1683).

44. Ibid., A4v (testimony of Suor Rosa Giacinta Pacetti, 13 September 1683).

Assistance from Agnese's sole surviving brother was by no means assured. On one of his rare visits to the convent, Luca had told her, "If you don't want to stay here, beat your head against the wall."[45] Eventually, however, he came to her aid, first by testifying in her behalf and then by hiring lawyers and promising to maintain her in his home in Rome if she were released. In their meeting on 17 November 1685, the cardinals considered the new evidence from Spoleto. Early in the following year, after receiving Luca's notarized declaration, the SCC restored her to lay status and Pope Innocent XI declared her profession null.[46] Thus Agnese Frosciante, then in her midforties, was restored to the status from which she had never voluntarily departed, that of a laywoman. Far beyond the age of marriage, she probably remained single. Needless to say, the records do not reveal where and how she spent her remaining years and when she died.

From "Cases" to Framework, from Framework to "Cases" . . . or in Both Directions?

As I have said, the case of Agnese Frosciante came to my attention at a very early stage in my research. Before I had begun to examine the records of the SCC in the Archivio Segreto Vaticano, I encountered it in a different repository, the Biblioteca Apostolica Vaticana, where the printed submissions made by her attorneys are included in a miscellaneous volume.[47] At that point, I did not know how many early modern religious had petitioned the pope for release from their monastic vows, whether—as my reading had led me to expect—the vast majority of them were women, which forum(s) usually adjudicated such petitions, or what the normal procedural itinerary was. Frosciante's case conditioned my approach to others by alerting me to look for several things: who forced an adolescent into the convent or monastery, by what means force was exerted, what roles were played by relatives within the religious house, why it proved difficult if not impossible to resist pressure to profess, when the coerced person decided to seek relief, how she or he

45. Ibid. Earlier, Luca had admitted that during his five or six visits to Agnese he had blown hot and cold: "I exhorted her to be patient, sometimes with kindness and sometimes with rigor." Ibid., A2r (testimony of Luca Frosciante, 21 January 1682).

46. PRP 9, LD 36:44r-45r (9 February 1686). Luca's promise to care for her, written on 4 February 1686 and immediately presented by the attorneys Pietro Cerrettano and Giovanni Andrea Vagano to the SCC, clearly precipitated the positive resolution of the case.

47. Shelf number Stamp. Chigi III.41, int. 33–34. I thank Silvana Seidel Menchi for calling it to my attention. To my knowledge, this is the only extant set of printed representations in a case of forced monachization assembled within hard covers.

went about doing so, and whether the attempt succeeded. It also whetted my appetite for vivid verbatim quotations that promised to make otherwise arid legal proceedings come alive.

As my archival explorations proceeded, I discovered that as suggestive as the recorded experience of Frosciante appeared to be, her case could not serve as a template for all the others. We shall see that many cases had a multigenerational dimension virtually absent here. More often than not, the principal forcers were elders (parents, aunts or uncles, guardians, or grandparents). Siblings, though often present, usually played a supporting role. Although evidence of lies and tricks abounds in these cases, few forced monachizations occurred as abruptly as that of Agnese Frosciante. Usually, involuntary vestition and profession were preceded by a protracted battle of wills between those exerting force and fear and those subjected to it. Records of the Frosciante case, furthermore, contain no reference at all to cash and real property.[48] The absence in this case of a stated or implied economic motive appears anomalous in the light of most others, where excluding a young person from the inheritance stream stands out as the chief and often the sole reason for thrusting him or her into a religious house. Finally, only cause papers from Italy regularly report testimony in the first person. Italian cases, therefore, usually offer richer opportunities than those from other geographical regions to "think with" multiple actors in a case of forced monachization, as opposed to "thinking about" the petitioner's claims alone.

Unlike natural scientists (at least as their operations are understood in the obsolete, caricatured popular view), I did not start with a well-formed "hypothesis" and proceed to "test it against the evidence."[49] Rather, I let the Frosciante case suggest several avenues to explore. Other cases corrected impressions formed on the basis of this first one and offered additional issues to consider: above all, economic factors and the contractual status of monastic profession—and of marriage, too, as we shall see in chapter 5. Thus my cases shaped my interpretive framework and my expanding interpretive framework influenced my understanding of cases. For me, as for most practitioners of the human sciences, the relationship between evidence and interpretive framework began as and has remained reciprocal and complementary.

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48. I cannot state confidently that Agnese Frosciante's brothers never considered making her a nun as a way to avoid the expense of assembling a marital dowry for her—only that no one mentioned the matter.

49. Although it was dismantled long ago by (among many others) Carr, 70–112, this erroneous notion persists.

What Is a "Case"?

For heuristic purposes, let us think of a "case" of forced monachization as a three-layer carton. The bottom layer, found in one (or occasionally two or more) of the Positiones, usually contains several items in manuscript:

- a copy of the petition, prepared by a local procurator, addressed and sent to the pope;
- a transcript or summary of the diocesan investigation, conducted by the vicar general of the diocese or another person delegated by the bishop, containing witnesses' responses to questions put by the petitioner's procurator, the *defensor professionis* (a member of the petitioner's religious community or someone else appointed by the ordinary to make the case against release), and—when the petition was contested, as was often the case, by relatives and/or the monastery or convent—one or more attorneys representing opponents;
- depositions and affidavits gathered from people not available for interrogation during proceedings in the episcopal curia;
- the bishop's cover letter to the SCC, in which he usually expressed his opinion on the merits (or lack thereof) of the petition.

Once the pope passed the petitioner's case to the SCC, a second layer was added to the carton. One or more canon lawyers in Rome, hired by the petitioner's advisers, shaped evidence gathered on the diocesan level into a *summarium,* or summary (more than one in a complex case with a protracted judicial itinerary) and composed various types of briefs presenting legal support for the petitioner's cause. Lawyers for those contesting the petition did likewise. Almost always, they hired the papacy's official publisher to print them so that—in theory, as we shall see in chapter 4—all members of the SCC could read them.

The SCC's actions and decisions, found in the Parva Regesta (Petitiones), the Libri Decretorum, and (from 1718 on) the *Thesaurus Resolutionum,* constitute the third layer. It was assembled by support personnel assisting the cardinal-members of the SCC. Among them, as will be explained later, the SCC's secretary played an increasingly important role.

Does this carton contain, or can it be unpacked in such a way as to reveal, direct evidence of "what really happened" to the petitioner or any of the actors—that is, a "true story"? Of course not. The materials in cases were compiled for the purpose of telling "legal stories": accounts constructed for the purpose of persuading judges to rule in favor of petitioners. In her book *Fiction in the Archives:*

Pardon Tales and Their Tellers in Sixteenth-Century France, Natalie Zemon Davis elegantly demonstrated that a "legal story" is a "fiction," but hardly a tissue of lies. From "legal stories" in SCC sources, the skilled historian can glean a good deal of information about petitioners, those who assisted in crafting and presenting their stories, and the contexts—legal, political, social, and familial—that gave rise in the first place to petitions for release from monastic vows and then influenced the way in which they were produced and evaluated.[50]

Alert readers may have noticed that in talking about "stories," I have avoided using what might at first sight appear to be an equivalent term, "tales." In the hands of a master like Davis, the word "tales" not only establishes attractive alliteration in the subtitle of her book, it also calls attention to the close parallels between the genres of legal and imaginative literature that she wishes to establish. On their own initiative and/or at their publishers' insistence, many other historians put "tale" or "tales" in the titles of their books in order to boost sales.[51] General readers, they apparently think, will be attracted by piquant incidents drawn from the archives and presented as simplistic chronological narratives with a beginning ("once upon a time"), a middle ("and then"), and an end ("and they all lived happily [or unhappily, or did not live] ever after"). Without paying sufficient attention to the formal nature of their sources or embedding them adequately in historical situations, these historians purport to be conveying historical "truth." While I do not question the desirability of historians' writing at least some of the time for audiences beyond the narrow circle of their professional peers, I object to this sort of condescension, which is both unnecessary and undesirable. The broad and enduring popularity of books such Carlo Ginzburg's *The Cheese and the Worms,* Natalie Davis's *The Return of Martin Guerre,* Jonathan Spence's *The Memory Palace of Matteo Ricci,* and Paul Seaver's *Wallington's World* demonstrates that attracting adult general readers and students does not require ignoring or glossing over heuristic problems—thereby sacrificing the aim of reaching professional readers as well. Nor does it necessitate presenting information in a traditional narrative fashion.

My Presuppositions, My Cases

Having been born in the United States, I naturally share certain presuppositions of my place and time. Young people, I believe, should be free to elect

50. N. Z. Davis, *Fiction in the Archives.* See also my *Aspiring Saints,* esp. 22–25.
51. There are exceptions, e.g., Ulrich, *A Midwife's Tale.*

their future life statuses and occupations. While it is certainly legitimate for parents and relatives to guide them in a certain direction, members of the rising generation must not be compelled to follow routes to which they express a strong aversion. At any age, persons who find themselves in situations they did not choose and do not like should be at liberty to leave them. Neither at the beginning of this research project nor at its conclusion have I been able to resist rooting for petitioners' release from their vows, feeling satisfaction when the efforts of some met with success and regretting that others did not manage to escape from an undesired destiny.

In the course of my research, however, my understanding of the process has changed. I now have a much fuller appreciation of the constraints on petitioners, their relatives, and their judges in the seventeenth and eighteenth centuries. Faced with pressure to enter a religious order, young people simply could not, in the immortal words of Nancy Reagan, "just say no." Ingrained habits of respect for their elders and their conviction, shared by virtually all Catholics, that monastic life was morally superior to and safer than life in "the world" made them hesitant to refuse to take religious vows, and in most instances reluctant to seek release until those who had forced them were dead. Although some relatives who forced their juniors into monasteries and convents appear to have been motivated solely by greed, many others were understandably influenced by contemporary laws and practices restricting access to inherited property to a single offspring—usually, but not always, the eldest son. (The economic premises behind forced monachization are addressed directly in chapter 3.) A few expressed concern, sometimes probably genuine, about arranging a suitable placement for adolescents who were "difficult" or at risk: young women in particular, but also young men whose economic prospects were not assured.

Attorneys and ecclesiastical judges were constrained by the provisions and precedents of canon law and scholarly commentary on it. Over time, they paid increasing attention to the nature of a contract as an agreement between two human parties, both of whom had to consent freely to its terms—an issue examined fully in chapter 5. Even when petitioners' attorneys did not bring the contract issue explicitly to their attention, judges required concrete, indisputable proof that from the beginning, consent on the petitioners' part had been lacking, supported by strong legal arguments drawing on precedent. When what they received did not meet their exacting standards, they saw no alternative to turning petitioners down.

Although I grew up as a Protestant, I have studied Catholicism all my adult life. After repeated examinations of conscience, I have concluded that my presuppositions do not include negative assumptions about monastic

life deriving from a religious commitment abandoned long ago. Of course I cannot claim to operate as that obsolete stereotype of a researcher, the "neutral outside observer," but I believe that I am a well-informed and sympathetic one. Never have I considered monastic life in general and celibacy in particular—provided, of course, that they are freely chosen—to be unnatural and undesirable.

Again, let me emphasize that my cases represent a minority (those who succeeded in petitioning for release) among a larger, immeasurable group of religious who did not find monastic life congenial. That many early modern men and women found personal fulfillment as professed religious, or at least were not radically unhappy in their life status, I do not call into question. Since people satisfied with their lives do not resort to legal procedures to escape from them, however, how large the proportion of those who were content in religion may have been we have no way of knowing.

Skeptics who have heard me present portions of my findings have raised two objections: that my group of cases is statistically insignificant and that it is restricted to the elite. As I stated earlier and have just reiterated, the first complaint is beside the point. For another, the tradition of thinking with cases within which I operate has always privileged qualitative over quantitative analysis. Just as the quality of life of unhappy religious can be gauged only through examination of individuals, the experiences of their happy counterparts can be approached only by employing a biographical approach.

The second complaint, that I am concerned solely with the elite, strikes me as stemming from historiographical and political partisanship. Studying "marginal persons" in the lower classes, the traditional focus of microhistorians and many others in the last several decades, remains important. The assumption that marginality and lower-class status are synonymous, however, seems contrary to fact. While it is true that virtually all nuns came from elite families, their gender marginalized them from the moment they were born. The socioeconomic backgrounds of male religious were much more diverse, but whether highborn or lowborn, all who petitioned for release had been marginalized by being thrust into "vocations" they had not chosen. Until now, those forced into monasteries and convents have been to all intents and purposes "people lost to history." Surely, the attempt to restore them to historical personhood by recovering their stories and voices should not be dismissed as a trivial, politically incorrect pursuit.

Compelling as these stories seem, at least to me, simply recounting one case after another would shed little light on the phenomenon of forced monachization. In most chapters, therefore, I employ clusters of cases focusing on common themes. For the most part, my framework is synchronic:

between 1668 and 1793 most aspects of forced monachization remained the same. Only in the concluding chapter do I consider changes over time.

In this book I follow two expository strategies. For the sake of intelligibility, on first mention of a petitioner, I usually provide at least a capsule summary of his or her legal story. These stories, some brief and others lengthy, are presented in traditional narrative form, that is, in chronological order. Since much of the material in sets of cause papers comes from the petitioner's side, my accounts naturally privilege his or her position. When the testimony of witnesses and submissions by individuals and/or corporate entities (monastic houses) opposed to the petition permit me to do so, I indicate why and how the protagonist's version was challenged. Inevitably, these legal stories are constructions of constructions. As noted earlier, several other packagers stand between me and the unattainable "what really happened." To the best of my ability, I reconstruct stories presented to the court.

My Tactics

In conclusion, let me explain some of my tactical decisions. So that those who wish to examine particular dossiers in the Archivio Segreto Vaticano will be able easily to find them, I follow my sources by using the abbreviated Latin names of dioceses rather than their often radically different vernacular names. In order not to encumber the notes, I have condensed the very long titles of attorneys' submissions to the SCC; since in only one instance (Agnese Frosciante's case) are these available outside the cause papers, I have not included them in the bibliography. For male religious houses, I use the single term "monastery" because "friary" for mendicants sounds odd in American English. Professed nuns were usually titled "Madam" (Donna or Signora in Italian, Madame in French) or "Mother" (Madre in Italian and Spanish, Mãe in Portuguese, Mère in French)—terms used mainly in cases discussed in chapter 6. When such designations are lacking, I identify them as "Sister" (Freira in Portuguese, Soeur in French, Sor in Spanish, Suor in Italian). For male religious, the vast majority of those considered in this book friars, I use the appropriate vernacular form of "Brother," or R.P. ("Reverend Father") where it appears. Most important, I have chosen to respect the convictions of petitioners who had taken monastic vows unwillingly and therefore did not consider themselves to be genuine religious. Although I mention in passing the names they assumed (or were forced to take) when they vested, I call them by their original secular first and last names.

Chapter 2

Literary and Historiographical Contexts

Over the past decade, when someone has asked what I was doing research on, I have replied, "Forced monachization." "Oh, you're working on nuns," my interlocutor has invariably responded. "Not only on nuns," I have retorted. Therein lies one of the arguments I intend to make in this book. To frame it, this chapter traces through imaginative literature and expository prose the long history of the traditional assumption, almost universally held, that only women were coerced into entering monastic life. As I show, a minority view with just as venerable a pedigree—that the lives of men, too, were blighted by involuntary monachization—never managed to gain much of a foothold, either in literature or in modern historical writing. The chapter concludes by considering the reasons why.

Sixteenth-Century Descriptions and Critiques

Ah! Relish the words
Of these poor girls.

Don't be surprised
To see us outside the convent.
It wasn't our intention
To wear this black veil.

We've always wanted
To be adorned like other women.
We'd like to be married.
This is what hurts us the most.

We've been in penitence,
In fasting and in troubles.
We were naive
When we put on these habits.
Now that we're older,
We recognize our error,
And we feel our hearts burning
With a heat other than the sun's.

How gravely it torments
The poor little nuns
To see all the adornments
Of these other pretty women!
And seeing them, they think:
"If only I looked like that!
I curse my father,
Who wants me confined like this!"

How many consecrated nuns
Curse day and night
The one who put them in such a place
And they go around weeping!
Come on, come on, no more delay!
Let us too seek our fortune [euphemism for male member].
To satisfy our natural inclinations
Requires more than words.[1]

Like many another Italian *canzone* (song), this one, composed by the Florentine poet Bernardo Giambullari (1450–1529),[2] was designed for perfor-

1. *Trionfi e canti carnascialeschi toscani,* ed. Bruscagli, 257–58. "Black veil" (line 5) denotes professed choir nuns; lay sisters and novices wore white veils. On the double entendre in the antepenultimate line, see *Trionfi,* 4. Unless otherwise indicated, all translations are mine. Many thanks to Elissa Weaver for providing expert help on this one.

2. The "Canzona delle monache" was first published anonymously in *Canzone per andare in maschera facte da più persone,* B3v-4r. (One of the "several people" whose work was included was Lorenzo de' Medici.) Neither of the first two editions is an incunable, as once assumed; they were published sometime before mid-June 1515. D. E. Rhodes, "Notes on Early Florentine Printings,"

mance during Carnival. At that festive season of the year, when transgressive words and behavior were temporarily permitted, groups of male singers moved on wagons through the streets of the city delivering provocative messages. Listeners must have been titillated not only by the spectacle but also by the manifest content of the songs. In this case, costumed as female religious and shifting between the nuns' voice and their own, the singers made public a widespread social phenomenon known to all but not often openly articulated: many young women went unwillingly into convents, impelled not by spontaneous religious vocation but by compulsion exerted by members of their families. "The Nuns' Song" contains all the elements in the notion of forced monachization commonly held until the present day. First, according to this view, it was exclusively a female problem. Second, women consigned to the convent, bitterly regretting that they had been precluded from marriage, burned with sexual desire. Many sought and some found opportunities to break their vows of chastity.

In several literary forms and languages, sixteenth-century writers—most of them religious dissidents—penned critiques of coerced monachization, mainly of women but in some cases of both sexes or exclusively of men. Let us sample several such works.[3] *Il sommario della Santa Scrittura e l'ordinario dei cristiani*—an Italian adaptation, via a French translation, of a book perhaps written by one Hendrik von Bommel in the Netherlands[4]—came out around 1534, probably in Genoa.[5] Strongly critical along Erasmian lines of the contemporary Church, the author presents a succinct version of evangelical doctrine and gives readers practical advice on how to lead a Christian life. Immediately attracting philo-Protestant readers in many linguistic regions, it was placed on indexes of prohibited books.[6] Three chapters of the *Sommario* (16–18) are devoted to male religious, two (20–21) to nuns

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157–59. See the facsimile reprint of this collection: *Canzone per andare in maschera per carnesciale,* 20–21. The secure attribution of this song to Giambullari was established by Marchetti, editor of Giambullari, *Rime inedite o rari.* On the author, an acquaintance of Lorenzo de' Medici, see Pignatti.

3. For a fuller review, especially strong on works written in Milan in the sixteenth century, see Cattaneo, 147–95.

4. On the vexed questions of authorship and publication history, see Trapman's introduction to *Il sommario della Santa Scrittura,* 7–23. What appears to be the first edition, *Summa der godliker schrifturen* (Leiden: Jan Seversz, 1523), was soon translated by unknown hands into French, English, and then Italian, but never apparently into Spanish. There was also a Latin edition: *Oeconomica Christiana* ([Antwerp: Martinus de Keyser?], 1527). The Italian translator seems to have worked from *La summe de lescripture saincte, et lordinaire des Chresties* (Basel: Thomas Wulff, 1523).

5. On this work, in addition to Trapman's and Bianco's introductions, see Peyronel Rambaldi, *Dai Paesi Bassi all'Italia;* and Zarri, "Monasteri femminili in Italia nel secolo XVI," 655–57.

6. *ILI* 1: 395–96; 2: 195–96; 3: 198–99, 359; 7: 386–87; 8: 684–85.

and uncloistered religious women—the latter, in the original Netherlandish context, Sisters of the Common Life. Focusing on their ignorance, idleness, and excessively luxurious lifestyles, the author observes how much these religious of both sexes differ from ascetics in the early Church.[7] In chapter 19, located between his discussions of male and female religious, he advises parents against forcing their offspring to take monastic or priestly vows. He identifies three motives for this unadvisable practice. First, parents with many children, in order to marry some of them well, "put one or two who have some bodily imperfection into religion." Second, they want to gain "honor from their offspring because they have become monks, priests, or prelates." Third, they hope that these children will be able eventually to aid and support them.[8] Though the masculine plural noun *figliuoli,* used throughout this brief chapter, is not invariably gender specific, the author is clearly concerned mainly with males. Never once does he refer explicitly to females forced into convents.

The anticlerical *Diálogo de Mercurio y Carón,* written around 1529 by the Spaniard Alfonso de Valdés (d. 1532), first appeared posthumously around 1541; seven printings of an Italian translation followed.[9] Both the Spanish and the Italian versions found their way onto indexes of prohibited books. None of these editions, however, included a passage in Valdés's manuscript that censors and editors must have considered too hot to handle. Ferrying souls down the river Styx to hell, the boatman Charon asks one passenger, Ánima (Soul), why she is on board. "Since I am a woman, my parents and siblings made me a nun against my will," she replies. She proceeds to explain that she had been too ashamed to protest at the time she entered the convent. Every day since then she has cursed those responsible for or complicit in her involuntary incarceration: her father, mother, siblings, and other relatives. Vigils, fasting, and despair, she explains, have led her to commit suicide. Mercury, the other main character in the dialogue, then comments that those who force girls into convents are robbers who steal the nuns' inheritances, and worse, murderers of their souls. No mention is made of male adolescents who suffer the same fate.[10]

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7. *Sommario,* 127–36, 139–44.

8. Ibid., 137–38; quotations at 137.

9. Valdés, *Diálogo de Mercurio y Carón,* 57–58. There is a critical edition of the sixteenth-century Italian versions of this dialogue and another, *Diálogo de las cosas ocurridas en Roma* (known in English as *Dialogue between Lactantius and the Archdeacon*): Valdés, *Due dialoghi;* information about the Italian editions on xvi.

10. Valdés, *Diálogo de Mercurio y Carón,* 143–45; quotation at 143. The manuscript may be found in the Biblioteca de El Escorial, N II 24, fols. 1–43. Ibid., 57. On the Roman, Spanish, and

Another work came from the pen of a woman writer particularly well informed about forced monachization. In 1548 or early 1549, Beatrice del Sera (1515–85), a nun from Florence, composed *Amor di virtù,* a five-act comedy intended for performance—probably during the Carnival season—in her convent, the Dominican house of San Niccolò in Prato. Early in her exploration of convent theater, the scholar of Italian literature Elissa Weaver discovered a manuscript of the play at the Biblioteca Riccardiana in Florence and prepared a critical edition of it.[11] As Weaver has demonstrated, *Amor di virtù,* a markedly autobiographical work based on Boccaccio's *Filocolo,* abounds with images alluding to the frustration experienced by nuns, especially involuntary ones. Stones, walls, and towers symbolize convents, in which nuns reflect on their reclusion and fantasize about escape.[12]

The Florentine literary jack-of-all-trades Anton Francesco Doni (1513–74) accords attention to both women and men. In the fourth part of his work *I Marmi* (1552–53), a character called L'Inquieto (the Unquiet One) looks down from the hilltop church of San Miniato on the city of Florence. He bemoans the fate of all the unhappy people below, among them involuntary religious of both sexes: "O how many girls, made nuns by force, live in convents, suffering and troubled! O how many male religious there are in monasteries and friaries who are intelligent, would like to get out, and are ashamed, and how many have been put there by their fathers when they were children, so that they would not die of hunger!"[13]

Like Suor Beatrice del Sera, L'Inquieto's creator had firsthand knowledge of life in a religious house. Around 1535 Doni had entered Santissima Annunziata, the Florentine mother house of the Servants of Mary, where he professed under the monastic name Valerio; he left the order in 1540.[14] Since he became a religious at the relatively advanced age of about twenty-two, he may not have been compelled to enter the monastery. Almost certainly, however, he knew younger Servite confreres who had been forced to become friars.[15]

Portuguese Inquisitions' prohibitions of this book, see *ILI* 3: 215, 235; 4: 155–56, 196; 5: 342–43, 472; 6: 588, 650; 8: 212, 401, 434; 9: 431.

11. Sera.

12. Ibid., esp. 47–48, 51–53. See also Weaver, 151–69.

13. "Diceria dell'Inquieto, accademico peregrino. Al Doni," in Doni, 605. Many thanks to Miriam Eliav-Feldon for calling my attention to this passage and to Elissa Weaver for helping me cope with the complicated syntax of the second sentence.

14. The Servites, fifth of the mendicant orders, were founded in Florence in 1240. CE, "Servants of Mary (Servites)"; Borntrager and Branchesi, *DIP* 8: 1398–1423.

15. On Doni, see Romei. Most of his works belatedly appeared in Italian indexes of prohibited books issued in 1580, 1590, and 1593, marked *donec expurgatur* (banned until expurgated versions could be prepared). *ILI* 9: 118, 355, 425.

The last sixteenth-century work critical of forced monachization to be considered here is a dialogue published in Venice in 1562: *Ragionamento del magnifico signor Ugoni gentilhuomo bresciano nel quale si ragiona di tutti gli stati dell'humana vita.*[16] Because the author's first name is not given on the title page or anywhere else in the book, confusion persists as to what it may have been. Compilers of library catalogues, booksellers, and scholars have dubbed him Flavio Alessio or Stefano Maria, but without a doubt he was Giovanni Andrea Ugoni (1507–after 20 December 1571). This philo-Protestant native of Salò, a member of the Brescian patriciate and an accomplished poet,[17] was tried by the Inquisition of Brescia in 1544–45 and again in 1552–53; both times he was convicted of heresy. In late 1564 he was summoned before the Inquisition of Venice, which tried and condemned him in 1565. Given that he was a recidivist, it was probably his status as a Brescian noble that spared him a death sentence.[18] In the fall of 1562, his like-minded friend Publio Francesco Spinola, a humanist of Milanese origin, submitted the *Ragionamento* and three other works by Ugoni to the Venetian printer Pietro da Fine, who promptly published them.[19] Spinola's dedication describes the dialogue as a faithful transcript of an after-dinner conversation held in the Brescian palazzo of Virginia Pallavicini Gambara not long after the death in 1549 of Pope

16. Silvana Seidel Menchi, the first scholar to have recognized Ugoni's importance, kindly introduced me to this work. See her "Protestantismo a Venezia," 144–49.

17. According to a work on Brescian writers published in the early seventeenth century, Ugoni wrote many poems and two plays, as well as translating Virgil's *Aeneid* into Italian; with the exception of some poems, none of these was published or preserved. Rossi, 329. On his thirty-three published poems, see Faini, "'Mentre il lungo error piango e sospiro.'"

18. ASVe, Sant'Uffizio, b. 11, fasc. 2. See also Rivoire, 59–61, 67, 74, 79–81. The last reference to him in Inquisition records notes his return to Venice on 20 December 1571 after a trip to Brescia, where with the Inquisition's permission he had gone in order to attend a daughter's wedding.

19. The others are *Discorso della dignità & eccellenza della gran città di Venetia, con una bellissima essortatione del medesimo autore, all'honorato consiglio della sua città di Brescia; Dialogo della vigilia et del sonno;* and *Trattato della impositione de' nomi*. The publisher, Pietro da Fine (or Fino), used the services of the printer Francesco de' Franceschi Senese. D. E. Rhodes, *Silent Printers,* xv, 265. Ugoni wrote single-line dedications: the *Ragionamento* to the Marchese di Pescara (probably Francesco Ferdinando II d'Avalos); the *Discorso* to "Don Conos, Marchese di Camerazzo" (almost certainly Diego de los Cobos, marquis of Camarasa); the *Dialogo* to Cardinal Girolamo di Correggio (son of Count Giberto X and Veronica Gambara, named cardinal by Pius IV on 26 February 1561); the *Trattato* to Cardinal Giovanni Francesco Gambara (Virginia Pallavicino and Brunoro Gambara's son, named cardinal in the same promotion). The *Discorso* was completed by 20 June 1558; the others bear no date of composition. Spinola's more substantial dedications, all dated 10 September 1562, are to different people: the *Ragionamento* to Ottavio Pallavicini; the *Discorso* to Luca Giustiniani; the *Dialogo* to Girolamo Dotti; the *Trattato* to Cristofano Sauli. On all four works, see Peyronel Rambaldi, "Tra 'dialoghi' letterari e 'ridotti' eterodossi," 182–209, esp. 198–206. The *Ragionamento* is discussed by Faini, "A proposito di Giovanna Andrea Ugoni."

Paul III.[20] In a seemingly informal, spontaneous manner, seven characters—as in most sixteenth-century dialogues, all real people—discuss several issues pertaining to lay people's lives.[21] The topic of forced monachization of women comes up after Marcantonio Piccolomini has answered a question about marriage posed by the group's hostess. God, he asserts, established the institution and created women solely for the purpose of procreation, so that the human species would multiply. In passing, he refers briefly to St. Paul's praise of virginity.[22] That remark prompts Virginia to raise the issue of chastity. Are women in convents, she inquires, really virgins? Of course they are, replies Luigi Calino; they have taken vows of chastity. "But what," Virginia retorts, "shall we say about those who—moved and incited, not to say forced, by their parents or relatives—go into convents, usually at such a tender age that they cannot yet [exercise] the mature judgment to distinguish good from evil?" She answers her own question. Once these girls reach the age "in which they feel the acute stimuli of the flesh," they break their vows of chastity and go on doing so until they reach "useless" old age.[23]

Piccolomini heartily agrees: anyone who claims that women and men can be chaste against their will is crazy. For this reason, "greatly to be blamed is the imprudence of those who, if they have daughters, make up their minds that this one will be a nun and that one will marry, and it's the same with sons, that one will become a priest and the other a soldier—as if nothing else is needed to make sons and daughters happy than the plan and command of blind men." Count Giovanni Francesco Gambara outlines the main reason for this practice: poverty. What, he asks, can a poor citizen with many chil-

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20. *Ragionamento,* AA3v–4r. Paul III treated Virginia, who had been betrothed to his son Ranuccio (d. 1528), like a daughter. In 1529 she married the *condottiere* (commander of military forces for hire) Brunoro Gambara (1490–1559). A year after his death and two years before Ugoni's dialogue was published, she married the Bolognese patrician Giberto II Borromeo. I disagree with the recent suggestion that Virginia plays a "reticent, enabling part in the conversation." Cox, *Women's Writing in Italy,* 97. As I read the dialogue, she determines its direction by asking questions to which she already knows the answers and by making provocative assertions.

21. Although (as Peyronel Rambaldi stresses) the dialogue emphasizes marriage and criticizes involuntary monachization, it does not convey an explicitly heterodox message. Ugoni's agreeing to let Spinola arrange for the publication of these four works may have been motivated by the hope of reestablishing his bona fides as an innocuous patrician humanist, loyal to his native city and the Venetian Republic. A few years later, his friend and facilitator Spinola, named by Ugoni and many others as a heretic, was condemned to death by the Venetian Inquisition and executed by drowning in January 1571.

22. *Ragionamento,* 45–46. The speaker was probably the Sienese humanist of that name, a cofounder of the Accademia degli Intronati.

23. Ibid., 49–50.

dren do other than "unburden himself of them by honest ways and means that he judges most expedient?"[24]

How, Piccolomini wonders rhetorically in good humanist fashion, did the Greeks and Romans do without convents and monasteries in which they could place some of their offspring? The answer he provides is simple: since the ancients engaged in well-remunerated work of various kinds, they had sufficient resources to marry off all their children, and none remained to be disposed of in an alternative way. Aristocrats of our own day, he observes, disdain employment of any sort. Preferring to live off their income, they spend their time in idle pursuits and dissipate their patrimonies. Therefore, or so they claim, they cannot afford to find suitable husbands for all their daughters. They marry one with an enormous dowry, which accrues to their own honor, and place the rest in convents. In what frame of mind, Virginia inquires in her usual Socratic fashion, do you think these vocationless young women are? "They must be very discontented, and sometimes they must resent their parents," Piccolomini replies. We should return to classical values and find spouses for all our children—rather than, as Virginia puts it, leaving the majority of our daughters discontented in convents that they did not enter "of their own will through divine inspiration."[25] Some of them, she observes, reconcile themselves to their fate, "making a virtue of necessity" and recognizing that "happily married women are birds as rare as the phoenix." Why men, "who have much more freedom," forego the opportunity to marry and use their wives' dowries to make money, flee instead into the priesthood or monastic orders remains a mystery to her.[26]

The six works considered in this section reflect writers' understandings of a socioeconomic phenomenon with serious consequences for the lives and souls of those compelled to enter monastic life. Here and in the following sections I certainly do not intend to claim that they open windows onto "reality" in the positivistic sense of that term. Nor is it possible to ascertain—except in the case of the *Sommario della Santa Scrittura e l'ordinario dei cristiani,* which circulated widely with unfortunate consequences for many of its readers[27]—how much if any influence they may have exerted on contemporaries. The passage in Valdés's *Diálogo de Mercurio y Carón* concerning forced

24. Ibid., 50–51. Conte Gambara was Virginia's son.

25. Ibid., 51–58; quotations from 58, 53.

26. Ibid., 62–63, 59.

27. As Peyronel Rambaldi, *Dai Paesi Bassi all'Italia,* and many others have shown, the number of Italians prosecuted by the Roman Inquisition for owning, reading, and passing on the *Sommario* to others is legion.

monachization, after all, did not appear in sixteenth-century printed editions. Only those who attended performances of *Amor di virtù,* for the most part nuns, were exposed to Beatrice del Sera's thinly veiled laments about reclusion in the convent. Although many Florentines of the early sixteenth century undoubtedly saw and heard enactments of Giambullari's Carnival song, readers of the printed editions and of Ugoni's *Ragionamento* were probably not numerous. The most that can be confidently said, then, is that some sixteenth-century writers recognized and reflected on the dilemma of involuntary monachization, which they tended with some exceptions to view as a problem affecting mainly or exclusively women. Although some of the writers, most notably Giambullari, mention convent women's resentment of their repressed sexual activity and attempts to overcome the barrier of vowed chastity, this problem constitutes a minor theme.

Seventeenth-Century Descriptions and Critiques

During the seventeenth century, Spanish and French dramatists, early French novelists, Italian libertines, and ecclesiastical writers addressed the coerced monachization of women, and occasionally of men. In *La devoción de la Cruz,* a drama of honor and revenge by Pedro Calderón de la Barca (1600–1681) published in 1636, the young noble Eusebio falls in love with his friend Lisandro's sister Julia, whose twin brother was lost shortly after birth. Believing that the twins were the fruits of his wife's adultery and unable as well as unwilling to marry Julia off, her noble but impecunious father, Curcio, places her in a convent. Eusebio breaks into the cloister with the intention of raping her; she holds up a cross, whereupon her terrified suitor flees. Escaping from the convent in male attire, Julia takes up a life of crime. After Eusebio's retainers manage to capture her, Curcio challenges Eusebio to a duel, in which he fatally wounds his antagonist. As Eusebio lies on the point of death, Curcio recognizes him as his long-lost son. Julia reveals her identity and confesses her sins. Curcio is about to kill her, too, but she embraces the cross and is borne miraculously to heaven.[28]

In the first act, Calderón refers three times to coerced monachization. Lisandro explains to Eusebio in scene 3 that his father, who can neither afford an appropriate marital dowry for Julia nor put his honor at risk by

28. This play was published in *Primer parte de comedias de don Pedro Calderón de la Barca,* edited by his son, José (1636). I use the modern edition by Wexler. For drawing my attention to the play, I thank John Clifford and Charley Sherman, who responded to a query kindly placed on the website www.comedias.org by Alison Weber; Weber also lent a hand on the translation.

marrying her to a social inferior, has arranged for her to enter a convent the next day, whether "willingly or by force."[29] Not long thereafter, Julia laments the necessity of yielding to "a father's rigor."[30] In a confrontation with her father, she tells him: "Well, then, sir, a father's authority, which has precedence, rules in life but not in liberty." When she asks whether he really intends to override her preference (*gusto*) for marriage rather than monachization, Curcio retorts: "No, because you are obligated to consider only my will—whether just or unjust—as your preference."[31] Thus, without editorializing, Calderón encourages viewers and readers of *La devoción de la Cruz* to conclude that Curcio is a paternal tyrant and Julia his conscious, articulate, but helpless, victim.

L'embarras de Godard, ou l'accouchée by Jean Donneau de Visé (1638–1710)—a one-act comedy performed in Paris by Molière's company, the Théâtre Illustre, in the fall of 1667—features the triumph of true love over a father's plan to put his daughter into a convent.[32] Isabelle, the young heroine, informs Cléante, her suitor, that her father, Monsieur Godard, adamantly opposes their desire to wed, "not because he has taken a dislike to you; / but he wants to give me a cloister in place of a husband / in order to save more resources for my brother."[33] Monsieur Godard's wife, on the contrary, favors her daughter's inclination. As Isabelle later tells Cléante, Madame Godard, lying ill in bed, urges her husband "to render both of us [the two young lovers] content after her death / and draw up a [marriage] contract."[34] In the end, Monsieur Godard grants his wife's and the young couple's wish.[35]

Early French writings in a new genre, the novel, shift the location of action inside the convent. French readers in 1669 were electrified by the appearance of a slim volume entitled *Lettres portugaises,* issued anonymously.[36] It consisted entirely of five letters from a Portuguese nun, Mariane, to a French military officer who had loved and left her. Much later, the real-life protagonists of the relationship on which the book is based were identified as Mariana Alcoforado, a Clarisse in Beja, and Noël Bouton, comte du Saint-Léger et

29. *La devoción de la Cruz,* 39–40 (act 1, scene 3, lines 171–86); quotation from line 186.

30. Ibid., 50 (act 1, scene 5, lines 423–39); quotation from lines 439–39.

31. Ibid., 56–57 (act 1, scene 7, lines 575–612); quotations from lines 575–78, 583–86.

32. Steinberger's essay alerted me to this little-known play. The text cited below is in *Contemporaines de Molière.*

33. Ibid., 445, scene 1.

34. Ibid., 479, scene 25.

35. Ibid., 482, scene 29.

36. I cite the modern critical edition: Guilleragues, *Chansons et bon mots, Valentins, Lettres portugaises.*

de Saint-Denis and marquis de Chamilly, a Burgundian noble stationed in Portugal with the French army between 1666 and early 1668. From the moment the book came out, readers and scholars have debated whether these outpourings of a wounded female heart were (or were inspired by) authentic letters, or rather missives made up out of whole cloth by a male writer.[37] For our purposes, the *Lettres portugaises* is a marginal case. With the possible exception of one reference to having been "shut up in this convent since I was a child,"[38] nothing in the letters comes close to implying, much less stating, that the Portuguese nun was a victim of forced monachization. Nonetheless, this book's persisting popularity—dozens of editions in French and in English translation issued over more than a century—may have been due in part to interest in our problem.

In the years 1672–74, not long after the publication of *Lettres portugaises,* its Parisian publisher, Claude Barbin, issued the pseudoautobiographical epistolary novel *Mémoires de la vie de Henriette-Sylvie de Molière.*[39] Its author, Marie-Catherine Desjardins, known as Madame de Villedieu (ca. 1640–83), had begun in 1661 to make a name for herself as a prolific writer of novels and plays.[40] In this one, there is a single brief reference to forced monachization of women. Henriette-Sylvie recounts the travails of a friend, a nun in Avignon: "She was the daughter of the deceased baron of Fontaine, who had followed the principle of the majority of the nobility and sacrificed his daughter to the convent in order to make his son richer. This victim had protested many times against her vows; her brother had died in the interim, and it enraged her to see the fortune she could have inherited pass into the hands of two aunts."[41] With the help of a young nobleman who is in love with the nun, she and Henriette-Sylvie, who had been staying with her in the convent, escape to Toulouse. There the nun's elderly cousin helps her to bring suit in the Parlement for release from her vows, which she eventually obtains.[42] Except for using the loaded verb "sacrifice," Madame de Villedieu expresses

37. All internal and external evidence, according to Deloffre and Rougeot, who prepared the critical edition cited in the previous note, points to Guilleragues being the author. "L'histoire des *Lettres portugaises,*" in ibid., 61–93. Cyr has recently revived the hypothesis that these are "real," not fictional, letters and that the Portuguese nun Mariana Alcoforado (1640–1725) could have and most likely did write them.

38. *The Love Letters of a Portuguese Nun,* trans. Waldman, 45. This statement probably refers to her early placement in the convent "in education."

39. I use a recent English translation: Villedieu, *Memoirs,* ed. and trans. Kuizenga.

40. For an incisive introduction, including a bibliography of Madame de Villedieu's writings and modern studies of them, see Kuizenga's introduction to ibid., 1–24.

41. Ibid., 45.

42. Ibid., 42–45.

herself here in a calm, matter-of-fact way. Evidently assuming her readers' familiarity with the involuntary monachization of daughters to enrich sons, a common occurrence, she does not bother explicitly to condemn it.[43]

The penultimate seventeenth-century lay writer to be considered here is a mystery man who undoubtedly belonged to the group of free-thinking Italian writers known as libertines. Their activities centered on the Venetian Accademia degli Incogniti, whose patron was the patrician Giovan Francesco Loredan. In 1644 or 1645, this anonymous author issued *L'anima di Ferrante Pallavicino,* the first of what in subsequent editions would become six *vigilie* (dialogues taking place in the evening).[44] After fleeing from a house of Lateran Canons into which he had been forced, Pallavicino (1615–44) produced numerous pornographic, misogynist, and anticlerical works, those in the latter category directed mainly against Pope Urban VIII (Barberini) and the Jesuits. Having escaped in 1642 from Venice, where he had been arrested and jailed by the papal nuncio, he was lured by a false French friend to the papal enclave of Avignon. There he was convicted of lèse majesté and decapitated on 5 March 1644, a few weeks before his twenty-ninth birthday.[45]

The first *vigilia* of *L'anima di Ferrante Pallavicino* records a discussion between Anima (Pallavicino's wandering soul) and a friend, Henrico, whose main function is to draw out his conversational partner. Toward the end, Anima states his greatest regret: that destiny made him become a friar. Monasteries, he declares, "are no longer considered habitations of holy men but places for the benefit or relief of families Thus fathers who have three or four sons, without examining their spirits or inclinations, destine one or two for the monastery" and "present [the monastic house] with children raised not for divine service but for eating good omelettes and soups." Although he

43. Another French writer, whose novel appeared in 1713, reports an incident like this, but the author expresses a more condemnatory judgment toward it. Monsieur de Bernay, whose two younger sisters are novices in a convent, is reported as stating "that he did not at all approve of the tyranny of his father, who decided to cloister some of his children to advantage the others." Before professing, his sister Clémence escapes with and eventually marries his friend Terny. Challe, "Histoire de Monsieur de Terny et de Mademoiselle de Bernay," in *Les illustres françaises,* 141–84; quotation at 144–45.

44. I am grateful to Mario Infelise for drawing my attention to *L'Anima di Ferrante Pallavicino,* as well as to the writings of Gregorio Leti, discussed below. *L'Anima* could not have been published in 1643 as claimed on the title page. The *terminus a quo* is Pallavicino's execution on 5 March 1644; the *terminus ad quem* is 20 December 1645, when it was placed on the Index of Prohibited Books (as was the 1665 edition when it appeared). *ILI* 11: 678, 560. The work was reissued numerous times over the next thirty years by unidentified presses, most if not all of them outside Italy, and translated into several other languages. Coci, 252–53. That, as once assumed, the author of the first two *vigilie* was Loredan seems most unlikely. See Spini, 170–76; Coci, 300–301; and Carminati, 766.

45. For a recent brief discussion of Pallavicino, see Muir, *Culture Wars,* 86–101.

agrees that the all-too-common consignment of sons to "perpetual prison" is impious, Henrico raises the possibility that when they take their vows, these adolescents are mature enough to know what they are doing. At age sixteen, Anima retorts, they "are renouncing their liberty before having enjoyed or even known it." Once they realize what a heavy yoke they have assumed, not only reproaches and threats from parents and relatives but also the personal shame they would incur by throwing off the monastic habit—manifested by finger-pointing and being made fun of—restrains them from leaving. In consequence, they comport themselves not in a manner befitting religious, but "worse than soldiers."[46]

A peripatetic Milanese libertine, the prolific writer Gregorio Leti (1630–1701), specialized among other things in scandal-mongering pseudohistorical works. In *La vita di Bartolomeo Arese, presidente del Senato di Milano* (1682), after telling several "true stories" about young women compelled to enter convents, he quotes a poetic lament, "De profundis: querelo d'una monaca che si era fatta religiosa per forza," purportedly composed by a nun in the Benedictine convent of Santa Radegonda. Moved by her plight, two Milanese gentlemen manage briefly to liberate her, but she is recaptured and thrust back into the convent. "The poor, miserable nun," writes Leti, "has no relief and languishes alive in a tomb—a death even more cruel because she experiences it alive, vexed in a thousand ways and for various reasons by the anger of the other nuns. God help her, as I wish with a more than ardent zeal."[47]

Finally, let us turn to a very different group of seventeenth-century writers: male and female religious. Throughout the early modern period, ecclesiastics attempted to curb forced monachization by warning parents that their children of both sexes should be allowed to decide how to spend their lives. Here are two among innumerable examples. In his very popular manual *Il Cristiano istruito nella sua legge,* the Jesuit Paolo Segneri the Elder (1624–94) advises fathers of their duty to grant their offspring "the liberty to choose the state [of life] that pleases them." Parental decisions made for adolescents, he insists, amount to "cutting the cloth on others and making a garment for oneself." "And who," he rhetorically inquires, "has given you fathers

46. *L'Anima di Ferrante Pallavicino,* 91–95; quotations from 91, 93, 95.

47. Elissa Weaver polished my translation of this passage. Leti's discussion and the poem are quoted by Cattaneo, 183–87. On his career, see Bufacchi. The nun was a real person, Maria Faustina Palomera, on whom see Kendrick, 96–97. The author of the poem was probably not she but the Venetian lawyer and poet Giovanni Francesco Busenello. See Heller, 23–24.

such authority over the will of your children?"[48] In his preaching manual for parish priests, Marco Battaglini (1645–1717), bishop of Nocera Umbra, paints an even more scathing verbal picture: "Surrounded in their homes by numerous offspring, sons and daughters, [parents] make decisions as if they were weighing fish or sorting apples, decreeing with no possibility of appeal that one will be a priest, another a nun, one a friar, the other the perpetual servant in the house; that daughter will marry, that son will be given a wife."[49] Such messages—passed on to the laity in sermons and probably more often in the confessional—had a belated effect on some forcers, as we shall see in subsequent chapters. Clearly, however, they had little effect on the pervasive practice of forced monachization.

Then there are the writings of a Venetian nun, Arcangela Tarabotti (1604–52). Born into a prosperous family of *cittadini,* a category of non-noble residents with legally defined privileges and access to certain administrative offices, she was baptized Elena Cassandra. The third among eight surviving children, she had two older brothers and five younger sisters. Assuming that Elena's fragile health and lameness would render finding her a husband difficult and wishing to save money that could be allocated to her siblings, her father decided to make her a nun. In 1617, when she was thirteen, he placed her "in education" in the Benedictine convent of Sant'Anna.[50] Six years later, under the name Arcangela, she took her solemn, irrevocable vows.[51]

Until her death in 1652, Arcangela Tarabotti devoted much of her energy to composing scathing treatises exposing the iniquitous collusion of fathers and the Venetian state in consigning her and many other unwilling women—more than one-third of the nuns in the city, she claimed—to monastic life.[52]

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48. Segneri, 135.

49. Marco Battaglini, *Istruzione a' parochi per ispiegare a' popoli loro la parola di Dio in tutte le feste de' santi,* 2nd ed. (Venice, 1707), 124; quoted by Stella, 87. This publication is not mentioned by Zicàri. I have not located a copy, nor have I been able to determine when the first edition appeared and how often it was reissued.

50. Throughout Europe girls were put in convents "in education" (Italian: *in educazione* or *in serbanza*) for two express purposes: to learn reading, writing, needlework, and proper behavior; and to be shielded from threats to their virginity. Although placement in education typically occurred when they reached the "dangerous age" of puberty, no age restrictions prohibited the consigning of much younger girls to convents. Some of them left once marriages for them had been arranged. For others, elders had another objective: conditioning them to monastic life so that they would eventually vest and profess as nuns.

51. Zanette, 1–29.

52. Tarabotti, *Paternal Tyranny,* 81. *Tirannia paterna,* of which the English edition reproduces selections, was the author's original title. Under the transparent pseudonym Galerana Baratotti and the title *La emplicità ingannata,* the book first appeared in print two years after her death; quoted passage in that edition on 135.

With the help of numerous influential friends outside the convent (including Giovan Francesco Loredan), three of these works, as well as a collection of her letters, were published during her lifetime, another a year after her death.[53] As she realized, one of her compositions, *L'Inferno monacale* (Monastic Hell), was too transgressive to be published in Italy or anywhere else. Although she shared the manuscript with a few friends, only a single late copy (not an autograph) survived in a private archive in Venice. Not until 1990 did it finally see the light of day in print. I will consider it later in this chapter.

Of the nine seventeenth-century writers examined in this section, only one focused on the involuntary monachization of young men, two considered both women and men, and six concentrated exclusively on women. Again, the data presented here do not represent a statistical survey of public opinion. Nonetheless, they demonstrate that parents' practice of compelling some of their adolescent offspring to enter religious life was pervasive and widely recognized as a problem. Here again, desire for sexual intercourse plays a relatively minor role.

Eighteenth-Century Descriptions and Critiques

One might expect Enlightenment writers to have attacked forced monachization in expository prose, but such was hardly the case. From their anticlerical and utilitarian perspective on public welfare and the state, to be sure, philosophes of all nationalities denounced male and female monasticism as socially useless and detrimental to population growth. To coerced monachization—on the face of it, a gross violation of individual liberty—they devoted hardly a word. Nothing touching on the subject is to be found in the writings of such luminaries as Bayle, Montesquieu, D'Alembert, and Rousseau, or in the *Encyclopédie.* An entry in *Théologie portative* (1768), a minor work by Paul-Henri Thiry, Baron d'Holbach, constitutes the sole French exception. Holbach defines the word *couvent* (convent) as:

53. I list Tarabotti's works in order of their publication in the seventeenth century; each title is followed by modern editions and English translations. (1) *Il Paradiso monacale* (1643). (2) *Antisatira* (Venice: Francesco Valvasense, 1644); *Satira e Antisatira,* ed. Weaver (1998); English trans. by Weaver forthcoming. (3) *Lettere familiari e di complimento* (Venice: Guerigli, 1650); modern ed. by Ray and Westwater (2005). (4) Galerana Barcitotti, *Che le donne siano della spetie degli uomini. Difesa delle donne* (Nuremberg: Iuvann Cherchenbergher [false imprint], 1651); modern ed. by Panizza (1994); English trans. by Kenney, "Women Are of the Human Species" (1998). (5) Galerana Baratotti, *La semplicità ingannata* (Leiden: Sambix [Elsevier], 1653); abridged English trans. by Panizza, *Paternal Tyranny:* see previous note.

Figure 1. Augustinian Hermit friar (vol. 1, no. 61)

Figure 2. Capuchin friar (vol. 1, no. 64)

Figure 3. Observant Franciscan friar (vol. 1, no. 74)

Figure 4. Conventual Franciscan friar (vol. 1, no. 76)

Figure 5. Augustinian nun (vol. 2, no. 7)

Figure 6. Benedictine nun (vol. 2, no. 17)

Figure 7. Dominican nun (vol. 2, no. 46)

Figure 8. Franciscan nun (vol. 2, no. 52)

> A holy place into which a covey of monks or nuns is locked in order to keep them out of society. Nonetheless, they are let loose on the public when it comes to levying spiritual taxes, paid in hard cash, on the people [a sarcastic reference to the ecclesiastical tithe (*dîme*)]. The coveys of girls are very useful for ridding families, and especially elder sons, of sisters who inconvenience them. These holy houses serve also for the education of the fair sex, that is to say, to form [female] citizens who are very credulous, very fearful, very ignorant, very devout—in a word, holy prudes most useful to the clergy.[54]

Even in this passage, anticlericalism, not violation of subjects' free will, takes pride of place.

Like their counterparts in France, major Italian Enlightenment figures—Ludovico Antonio Muratori (1672–1750), Bernardo Tanucci (1698–1783), Antonio Genovesi (1713–69), Cosimo Amidei (1725–83), and Carlo Antonio Pilati (1733–1802)—vigorously attacked the idleness of vowed religious, condemned clerical celibacy as detrimental to the growth of population, and favored civil governments' placing limits on ecclesiastical jurisdiction.[55] Only one writer paid attention, albeit in an indirect fashion, to parents' pressing their offspring to enter religious life. In chapter 26 of his famous treatise on criminal law, *Dei delitti e delle pene* (1764), Cesare Beccaria (1738–94) approaches the question from the point of view of the relationship between society and the form of the family. Considered as a union of families, he writes, a society of 100,000 men consists of 20,000 men and 80,000 slaves; conceived as a union of men, it consists of 100,000 men and no slaves. In the former, children remain dependents of their father until he dies. "Accustomed from their earliest stage of development to yield and to fear," how can they later resist the obstacles that vice places in the way of virtue? "When the republic is made up of men," on the other hand, "the family is not subordinated to command, but to contract." Once offspring leave "the dependency of nature, they become free members of the city." In a union of families, however, "subjection and fear," which annul free choice, require "a continual sacrifice of oneself to a vain idol called 'the good of the family,' which is often not the good of anyone who is part of it."[56]

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54. Holbach, 68. Many thanks to Jennifer Tsien for directing me to the database ARTFL, where I found this passage, and to her and Mary McKinley for assistance in translating the second sentence.

55. On Italian Enlightenment writers and the clergy, see Venturi, chaps. 6–11, pp. 101–325; and Guerci, chap. 5, pp. 167–230.

56. Beccaria, 54–56. Whether Beccaria meant "men" to be sex specific is unclear.

Imaginative literature of the eighteenth century, above all in France, presents an entirely different picture. Only one writer addressed, in a satirical vein, the forced monachization of men. In chapter 24 of Voltaire's philosophical tale *Candide, ou l'optimisme* (1759), the title character pursues his vain search for happy people in Venice. There Candide encounters a clerk regular who appears at first sight to fulfill this criterion. He is quickly disabused.

> "By my faith, sir," said Brother Giroflée, "I wish all Theatines were at the bottom of the sea. I've been tempted a hundred times to set fire to the monastery and to go and turn Turk. My parents forced me to don this detestable habit at the age of fifteen so that I would leave a bigger fortune for my damned elder brother, may God confound him! The monastery is rife with jealousy, and backbiting, and bad fealing. It's true that I have preached a few miserable sermons that have brought me in some money, half of which the Prior steals—the rest I use for keeping girls. But when I get back to the monastery in the evening. I'm ready to beat my head in on the dormitory walls. And all the brothers feel the same way."[57]

Numerous French writers of imaginative literature continued to pay critical attention to the forced monachization of women. Certainly the work attending to the problem most famous today is *La religieuse* by Denis Diderot (1713–84). Based on an actual case, this novel was written in 1760 as part of an elaborate practical joke on a noble friend of the author and others in his circle. Issued in installments between 1780 and 1782 in the periodical *Correspondance littéraire,* it came out in book form in 1796, twelve years after Diderot's death. Since the background, content, and style of *La religieuse* have attracted extensive scholarly attention,[58] let us examine instead three examples in different genres which, though they achieved considerable popularity in their own time, are little known to contemporary historians.

In his novel *La religieuse malgré elle: Histoire galante, morale et tragique,* first issued in 1720, a certain B. de B.—identified without explanation in library catalogues and scholarly works as the otherwise unknown Brunet de Brou[59]—tells the cautionary tale of Florence. Born to a noble Breton couple,

57. Voltaire, 69.

58. Diderot, 3–294. The classic study is May. For a recent treatment, see Choudhury.

59. Oddly, the 1720 edition is not listed in Godenne; WorldCat lists copies at Stanford University, the University of Toronto, and the Herzog August Bibliothek Wölfenbuttel. I have found nothing that justifies the attribution of the novel to Brunet de Brou. Given his detailed, accurate account of the legal situation, he may have been a lawyer or a relative of an involuntary religious with experience in cases of petitioning for release from monastic vows.

Lucrèce and an unnamed marquis who has retired from the army after losing his arm in combat, she is cherished for the first nine years of her life. After the birth of a son, Xerxés, the parents' attitude toward the beautiful, intellectually precocious Florence abruptly changes from love to hatred. After a year in education in a convent, she returns home and falls in love with a rich young count. Stating that he has no interest in a dowry, he asks for her hand. Since the Marquis intends to make his daughter a nun so that his son will inherit everything, he turns down the Count's offer on the specious ground that she is too young to marry.[60]

Ignoring Florence's protestations that she has no vocation for religious life, the Marquis and Lucrèce insist that attaining salvation is much easier in a convent than in "the world." Her beloved plans their flight from France to a country where they can marry, but to no avail; he voluntarily becomes a Trappist monk and dies in the odor of sanctity. Xerxés tells his parents that he will happily do without the share of the inheritance that will go to his sister if she does not become a nun, but they ignore his offer and pursue their plan for Florence. After greasing the wheels with the abbess, they compel their daughter to take the veil at an illegally early age—thereby, in terms of French law (as she is well aware), incurring "civil death" and foregoing any further claims on her parents' estate. Because despair and the rigors of convent life make her ill, she has to repeat her novitiate, after which she takes her monastic vows. "Finally," the author remarks, by professing "she signed the decree of her condemnation."[61]

As the author's subtitle proclaims, his novel is "gallant," "moral," and "tragic." Extended summary of its convoluted "gallant" plot seems unnecessary; suffice it to say that, as promised, it ends tragically. Many years after moving to Geneva with the musician La Roche (her second sexual partner), converting to Calvinism, marrying, and giving birth to a son, Florence dies when struck by lightning.[62] The "moral" aspect of the novel merits additional attention. Missing no opportunity to proffer authorial asides, the novelist grinds three main polemical axes: condemning the agents of forced monachization, denouncing serial sexual relationships outside of marriage, and defending Roman Catholicism as the sole true religion. "This history,"

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60. B. de B., 75–86. The 1740 edition I consulted appears to be a reprint of the first edition, for the dedicatee, the famous general Prince Eugène de Savoie, had died in 1736. The novel was reissued twice more, in 1751 and 1761. In the preface (vii), the author claims that this is a true story, with the names of those concerned altered.

61. "mort civile"; "Enfin elle signa l'arrêt de sa condamnation." Ibid., 91–129; quotations at 111, 127.

62. Ibid., 289–90.

he states in the preface, "will make fathers and mothers see that they must always leave their children free in the choice of their life status; and that children who have been forced will learn to avoid the evils that come to those who let themselves be led by their passions."[63] At first he characterizes his central character, Florence, as an innocent victim of the culpable preference for their son exhibited by the Marquis and Lucrèce ("these two tyrants," "these two barbarians").

> One sees only too many of these fathers and mothers who, on the pretext of their children's salvation, force them to enter a state opposed to their inclination. They wish, they say, to pave the way toward heavenly blessedness for those to whom they have given life; instead, they choose for them a hell anticipated in this life. They will be held responsible for this in the tribunal of the Sovereign Judge.[64]

By refraining from comment on Florence's entering into her first sexual liaison, with a Cordelier (Observant Franciscan friar), the novelist allows readers to infer that her behavior is not surprising, given the stress of forced monachization to which she has been subjected. When she takes up with La Roche, however, his moral tone changes: she has become "similar," he remarks, "to the libertines of this century, whose inclinations draw them more to vice than to virtue."[65] Going to Geneva, "the refuge of all those who run toward perdition," and converting to Calvinism render her "much more criminal than those who are born in a religion and die in it."[66] "Thus ended the life of this wicked apostate," the author writes on the last page of the novel, underscoring his contention that Florence's death constitutes condign punishment for sexual and—even worse—religious transgression.[67]

The novelist's detailed account of Florence's several legal attempts to gain release from monastic life makes clear that, like Diderot, he was well informed, perhaps through firsthand experience, about the workings of such procedures in France. Three months after professing, Florence has a friend call a notary to the grate in the parlor to draft a formal protest against having been compelled to become a nun—a move, as we shall see, that often aided real-life reluctant religious in their legal battles.[68] From her Franciscan lover

63. Ibid., vii–viii.
64. Ibid., 93, 95, 108–9.
65. Ibid., 194.
66. Ibid., 274, 277.
67. Ibid., 290.
68. Ibid., 128.

she learns that by obtaining a papal brief she can obtain annulment of her vows. The two set off for Rome, but she is soon apprehended and taken back to the convent.[69] With her second lover, La Roche, she flees the convent disguised as a valet and manages to reach Rome. In record time, thanks to assistance from a sympathetic French cardinal, she obtains a papal brief ordering the bishop of her home diocese to conduct an investigation.[70]

On her return to Brittany, Florence hires a lawyer and informs her cousin Sextus that she will file suit in the episcopal court.[71] Since Florence's parents and brother have recently died, Sextus stands to inherit all their wealth unless Florence manages to obtain annulment of her monastic vows; he therefore engages legal counsel to contest her suit. Florence wins the first round: the vicar general grants her permission to gather and present evidence about her parents' employment of force and fear. "If this tribunal had been a sovereign court," the author remarks, "she would certainly have attained her objective, but royal justice, which knows how properly to check the abuses of the court of Rome and ecclesiastical jurisdictions, was not so favorable to her."[72] Sextus's lawyer argues that she had lied to the pope about when she had professed (twelve years earlier, not six); that her remaining so long in the convent amounted to tacit ratification of her vows; that she should have applied directly to her bishop rather than to the ecclesiastical court; and that if libertine nuns like her are released, convents will empty and families will be thrown into a state of confusion, with consequent harm to the state. Realizing that her case is unsustainable unless she has friends in high places, Florence's attorney takes it to the Parlement, which orders that she return to her convent.[73] Rather than obeying, she and La Roche head to Lyon and from there to Geneva.

Mélanie, a three-act tragedy in Alexandrine verse by Jean-François La Harpe (1739–1803), will serve as the second example. To create a market for the play, the young author delivered many salon readings of it.[74] Then, in order to get it into print, he appealed over the head of the police censor to the duc de Choiseul, Louis XV's foreign minister.[75] Published in 1770 in Paris and many cities outside France, as well as in Italian and Dutch transla-

69. Ibid., 157–71.
70. Ibid., 208–19.
71. Ibid., 181, 220–22.
72. Ibid., 223–24.
73. Ibid., 224–28.
74. Goodman, 146–47.
75. Brown, 251n42.

tions, it was reissued in 1787, 1792, and 1802.[76] Much too controversial to be performed in public during the Old Regime, this gripping drama of forced monachization was first staged only in 1791.[77]

Unlike *La religieuse malgré elle,* whose author begins with Florence's parents' compelling her to become a nun but then kills them and her brother off and follows her over many years from Brittany to Rome and back and thence to Lyon and Geneva, *Mélanie* is a family drama from beginning to end. La Harpe observes the three Aristotelian unities: the action, which takes place within a few hours in the parlor of a Parisian convent, focuses solely on Mélanie's forced monachization. It opens with a quarrel between the young woman's parents. Her father, the judge (*homme de robe*) Monsieur de Faublas, explains to his wife that the brilliant marriage, military career, and prospective rank at court he has arranged for their son, Melcour, will be put at risk if Mélanie does not make her long-planned religious profession, set to occur shortly in the presence of many invited guests. He wonders whether her sudden change of mind, about which he has just learned, has something to do with his wife's young relative, Monval, and accuses his spouse of not loving their son. Madame de Faublas, whose sympathies lie entirely with Mélanie, strongly protests against his intention to sacrifice their daughter. In the first place, she points out, Mélanie long ago lost her enthusiasm about becoming a nun; furthermore, the surface appearance of female religious houses as havens of peace, quiet, and virtue is deceptive. While conceding that abuses occasionally occur in convents, Monsieur de Faublas retorts that a few exceptions do not prove the rule and insists that his will must prevail.[78]

The Curé (the family's parish priest) then arrives for a long private colloquy with Mélanie. It is hardly the first time, he soliloquizes, that he has encountered "an unfortunate [woman] whom cruel self-interest has condemned to the cloister."[79] At first Mélanie suspects him of being in league with her father. When he assures the young woman that she should consider him her father, she exclaims, "A father! I need one. Alas, why don't I have

76. Publication data (no doubt incomplete) from WorldCat.

77. La Harpe, 1: vii, 167. A few years earlier, *Ericie ou la vestale* by Jean Gaspard Dubois-Fontanelle (1737–1812) had met a similar fate. Set in the second century BCE, it is a drama of forced monachization under a thin historical veil. Enthusiastically accepted by the Comédie-Française in 1767, it was immediately banned by the censor. Although it was published in numerous languages and performed several times in the provinces during the 1760s and '70s, its first staging in Paris occurred only in August 1789. I. Martin, 111–20.

78. La Harpe, 169–76.

79. Ibid., 177.

a father?"[80] Realizing that she can confide in the Curé, she proceeds to explain that in the beginning, the attention and affection shown to her by the nuns rendered the convent very attractive. The scales fell from her eyes at the bedside of a dying nun, who revealed that for her, as a refugee from a failed romantic relationship, monastic life had been a living hell. Not long thereafter, Mélanie met and fell in love with Monval but has never dared to reveal that sentiment to him. Only her mother realizes her desperate state and wishes to help, but "what can she do? She too is in a state of dependence; her husband has complete power over her."[81]

The Curé promptly fulfills his promise to confront Monsieur de Faublas. In a long scene, located strategically at the play's center, he begins by pointing out that by sacrificing his daughter, the judge is putting her soul at risk. Trained in the law, Monsieur de Faublas must know that vows taken under duress are null. Is he, a professional administrator of justice, operating under the illusion that the tie of blood exempts him from acting equitably in the case of his daughter? Religious vows must meet a higher standard than secular ones; even those that appear voluntary are legitimate only if God has inspired them. When accused of issuing a blanket condemnation of monastic vows, the Curé insists that his target is a different one: the father's rashness in presuming to usurp God's place in the determination of Mélanie's future.[82]

Predictably, Monsieur de Faublas responds like the man of the world he is:

> Let's not exaggerate, sir. We must conform to the laws of the world in which we live. It appears that you have consulted only my daughter; but the interests of a son, hope of his family; the honor of my ancestral house, [which] must become his responsibility; powerful protectors [whose wishes] I must take into account—all these considerations should be worth as much as yours.

Like all other women (*la sexe*), he avers, Mélanie will adjust easily to life in a religious house. Besides, "this convent hardly follows overly austere rules; it certainly doesn't demand these extraordinary virtues, these prodigies from

80. Ibid., 178.

81. Ibid., 186. Later, in a conversation with Madame de Faublas, Monval paints an even grimmer picture of the imbalance of power, not only between the spouses but also between Mélanie and her brother (who never appears in the play). Ibid., 191, 192.

82. Ibid., 196–200.

on high of which you've spoken."[83] In response, the Curé reiterates and strengthens his protest against Monsieur de Faublas's tyrannically disregarding Mélanie's wishes and favoring his son over his daughter. "You disdain her tears, you make her desperate: it's a crime, sir, and you will be held accountable for it. . . . Today, in you, Mélanie no longer has a father. I must be one." On her behalf, this surrogate father asserts, he will immediately protest to the abbess and seek justice from the ecclesiastical authorities.[84]

A subsequent scene, equally long and strong, features a familial confrontation: Monsieur de Faublas (his wife has hardly a word to say) versus Mélanie and Monval. The patriarch sarcastically dismisses the Curé's adjurations as the product of a conspiracy against him and repeatedly claims that since his daughter has chosen to be a nun, she must take her vows. Recognizing that she no longer has a place in his heart, Mélanie assures him that she does not intend to thwart his plans for her brother; with no expectation of a marital dowry or an inheritance, all she asks is to live in the family home. Not for the first time, she predicts that if forced into the convent, she will die. Monval vigorously rebuts Mélanie's father's contention that since he alone has incited her to rebellion (thus upsetting relationships in a family to which he does not belong) he has no right to take part in the debate. In a paradigmatic assertion of paternal power, Monsieur de Faublas states: "Mélanie, it's time to appease my anger. Fear its effects. I order it; I'm the father. I want to be obeyed without further delay." Expressing a husband's absolute authority, he tells his wife: "If you don't consent, madam, we must separate. I renounce the mother and the daughter, and I sever relations with your family forever. I expected more respect and submission." Mélanie's insubordination, he charges, has broken the family apart. He ends by threatening that his son will avenge this multiple affront to his patriarchal prerogative.[85]

In the final act, events rush toward a tragic conclusion. After having yet another inconclusive confrontation with her father, telling her mother that both of them are victims, and revealing for the first time to Monval that she loves him, Mélanie takes poison. A moment before expiring, she forgives her father. The Curé stops Monval from falling on his sword and induces Monsieur de Faublas belatedly to repent. The cruel patriarch speaks the last line: "God, avenger! At what a price have you enlightened me!"[86]

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83. Ibid., 200–201.
84. Ibid., 203–4.
85. Ibid., 205–15 (act 2, scene 6), esp. 211.
86. Ibid., 227.

Nineteenth-Century Enshrinement of the All-Women Paradigm

On 13 February 1790, a year before La Harpe's *Mélanie* was first performed in public and six years before the publication in book form of Diderot's *La religieuse,* the French National Assembly abolished monasticism both male and female. All over Europe, beginning two decades earlier in some states, secular governments began severely to restrict the institution. To be sure, prerevolutionary orders and congregations would return to the scene at the time of the restoration. Throughout the nineteenth century a host of new monastic communities (especially female), most of them dedicated primarily to work of various kinds in the secular world, appeared on the scene, attracting women and men with genuine vocations. For economic and other reasons, some nineteenth- and even twentieth-century parents continued to force adolescent offspring into religious life.[87] It seems safe to conjecture, however, that this practice gradually became less prevalent.

As a real-life social problem, forced monachization presumably began to recede. As a theme in the literary imaginary, it definitely lived on. *I promessi sposi* (1825–27; linguistically revised edition 1840) by Alessandro Manzoni (1785–1873) furnishes a powerful, extremely influential restatement of it. Set in Lombardy in the years 1629–30 and presented as the transcription of a seventeenth-century manuscript, Manzoni's novel centers on the peasant lovers Renzo and Lucia, whose desire to marry, blocked by a nobleman with designs on the young woman, is finally realized. In chapters 9 and 10, Manzoni introduces a very dark character: a nun of Monza, Gertrude ("la Signora"), who provides refuge to Lucia. Before her birth, Gertrude's father has determined that if the fetus in his wife's womb turns out to be female, she will be made a nun so that he can pass his entire patrimony along to her eldest brother. With a hard heart, he ruthlessly executes his plan. Once confined in the convent, the desperate and resentful Gertrude enters into a sexual liaison. Fearing that a servant nun will reveal her secret, she colludes in the woman's murder. When Federico Cardinal Borromeo, archbishop of Milan, discovers what she has done, he consigns her to prison in a Milanese convent, where she spends the rest of her life in penitence.[88]

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87. See, for example, the autobiography of Caracciolo. In conversation in 2002, Redemptus Valabek, O.Carm., a consultant to the Congregation for the Clergy, told me that that body still deals occasionally with cases of men forced into the secular priesthood, usually through psychological blackmail by their mothers.

88. Manzoni, 164–99. Gertrude makes two additional brief appearances in chapters 18 and 20, first conversing with Lucia and then succumbing to blackmail and betraying her to an agent of the

Gertrude is not a product of Manzoni's imagination. Drawing primarily on a historical work of the mid-seventeenth century, Giuseppe Ripamonti's *Historiarum patriae,* he modeled her on a historical nun of Monza: Marianna de Leyva (1595–1650), daughter of the Spanish governor of Naples, whose name in religion was Virginia Maria. The record of de Leyva's trial and other documents about her life (published in 1985) demonstrate that in Gertrude the novelist accurately reproduced the outward circumstances of Sister Virginia Maria's life, except for moving her imprisonment from 1609 to 1630—an alteration necessitated by his plot, an important feature of which is the great plague epidemic of 1629–31.[89] More relevant for our purposes is Manzoni's sociological and psychological acumen. Not only did he masterfully delineate the circumstances of Gertrude's forced monachization. With remarkable insight, he thought his way into her mind, envisioning her reactions at every step along her involuntary route into the convent and thereafter. The records of proceedings for release of women from their monastic vows, as we shall see in the following chapters, confirm his keen intuition.

During the nineteenth century, as before, unfavorable attention to the parental practice of compelling adolescent males to enter religious orders rarely manifested itself in imaginative literature. To my knowledge, only two novels of the nineteenth century feature unwilling male religious. *Melmoth the Wanderer* (1820) by the Irish writer Charles Robert Maturin (1780–1824), termed the last of the Gothic novelists, contains a lengthy intercalated story, "The Tale of the Spaniard." Alonzo de Monçada, illegitimate son of a Spanish grandee, is forced into the Madrid house of the Jesuit Order, suppressed but still operating underground. His younger, legitimate brother, Juan, informs him that in a secular court he can file for release. When Alonzo's appeal is rejected, Juan borrows money from a Jew to spirit him out of the monastery but is murdered in the carriage bearing them away. Agents of the Inquisition capture Alonzo and try him on bogus charges of practicing magic, communicating with the devil, and murdering his brother. With help from another Jew, he manages to escape.[90]

I viceré (1894) by Federico De Roberto (1861–1927) traces the moral bankruptcy and economic decline of a noble Sicilian family, the Uzeda of

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lustful Don Rodrigo. Ibid., 337–38, 373–75. Near the end of the novel, Lucia learns that on discovering Gertrude's crime, Cardinal Archbishop Federico Borromeo had her imprisoned in a Milanese convent, where she confessed and undertook a harsh penitential regimen. Ibid., 748.

89. See Colombo.

90. Maturin; in the modern edition, "The Tale of the Spaniard" runs for more than two hundred pages, from 80 to 302.

Catania. Members of this thoroughly unattractive clan reflexively perpetuate traditional legal arrangements designed to funnel property and titles to male heirs. Evil geniuses in the elder generation include Don Blasco, who was forced to become a Benedictine monk, and his sister-in-law, the ruthless matriarch Teresa, on the day of whose death in 1855 the novel opens. First in life and then in her testament, flagrantly disregarding the preferences of her seven offspring, Teresa had arranged their futures. In an effort to ensure that her eldest and youngest sons, Giacomo and Raimondo, would inherit everything, she had forced the second- and third-born, Ludovico and Angiolina, into monastic life, and precluded marriage for two younger children, Ferdinando and Lucrezia. She had arranged lucrative marriages for the presumptive heirs and made a match for her daughter Chiara that did not necessitate paying a dowry. That, as soon becomes clear, there is nothing left to inherit does not change their behavior. Only the cynical opportunist Consalvo, Giacomo's son, makes a successful transition to the new social and political order.[91]

Fascinating as *Melmoth the Wanderer* and *I viceré* are, neither achieved anything like the canonical status of *I promessi sposi*. In the face of the "women only" image of forced monachization consolidated by Manzoni's novel, these fictional testimonials to the impact of the practice on men did not prompt the formation of an alternative approach that scholars were motivated to pursue. How can the overwhelming predominance of women in literary treatments of our problem be explained? Very briefly and no doubt simplistically, I would suggest that the answer lies in the social and legal subordination of women over a very *longue durée,* one that began to end only in the twentieth century and is still far from complete. Since women—once universally considered to be physically, intellectually, morally, and legally weak—could be presented as much more plausible victims than men, they made excellent tragic heroines.

Scholarship: The 1990s

Near the end of the twentieth century, what may be termed the Manzoni paradigm gained scholarly currency from intensive investigation of the life and writings of Arcangela Tarabotti. As we saw earlier, Tarabotti managed to publish several books critical of forced monachization—but not *L'inferno*

91. De Roberto; see esp. 252, 275–78, 283, 286–89, 291–93, 302–3, 382–97. I thank Anna Scattigno for calling my attention to this novel.

monacale, which remained hidden from view in a single privately held manuscript.[92] With the owner's permission, Francesca Medioli transcribed and published it in 1990.[93]

Medioli's edition, which launched a renaissance of Tarabotti studies, was followed by other scholars' monographs on individual cases of coerced monachization.[94] These flowed into a broader and more positive current of research on Italian convents, inaugurated almost two decades earlier by Gabriella Zarri.[95] Most contributors to these studies operate in the old paradigm of "women's history." Few North American, and even fewer European, historians have taken to heart the sensible recommendation made thirty-five years ago by Natalie Zemon Davis: "It seems to me that we should be interested in the history of both women and men, that we should not be working only on the subjected sex any more than an historian of class can focus exclusively on peasants."[96] Their publications have given additional weight to the belief that involuntary monachization was exclusively a female problem.[97] To my knowledge, only three historians—F. Donald Logan on medieval England and Guido Dall'Olio and Gualberto Piangatelli on early modern Bologna and the Marche, respectively—have paid substantive attention to involuntary male religious.[98] I propose to remedy this almost universal neglect by considering cases of coerced monachization involving males as well as females.

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92. On Tarabotti's sharing copies of the manuscript with her correspondents, see Tarabotti, *Lettere,* 230 (no. 174), 273 (no. 226), 278–79 (no. 232).

93. Medioli, *L'"Inferno monacale" di Arcangela Tarabotti*. Medioli and Letizia Panizza are preparing an English translation.

94. See Vismara Chiappa, *Per vim et metum;* and Zorzi, *La monaca di Venezia*.

95. Among Zarri's numerous publications on nuns and convents, two early articles proved particularly pathbreaking: "I monasteri femminili a Bologna" and "Monasteri femminili e città (secoli XV–XVIII)."

96. N. Z. Davis, "'Women's History' in Transition," 90.

97. For the publications of Medioli, a prolific proponent of this view, see the bibliography.

98. Logan; Dall'Olio; Piangatelli. Zarri promptly took account of Dall'Olio's findings in "Monasteri femminili in Italia nel secolo XVI," 652–55; and "Gender, Religious Institutions and Social Discipline," 198–202.

Chapter 3

Elders and Forced Monachization

Having seen how forced monachization was characterized in literary and prescriptive writings, we now turn to the problem in real life. Almost always, close relatives, mainly those in previous generations, served as the primary agents of involuntary monachization. By employing physical and psychological intimidation, they forced adolescent offspring, nephews and nieces, grandchildren, and wards into monastic life without regard for these young people's unwillingness to enter it. Usually they acted for financial reasons. In many instances, their efforts were seconded or at least not opposed by the victims' siblings. I open this chapter by introducing the legal doctrine of *patria potestas* (paternal power), which from the point of view of most lay people—though not in the eyes of the Church—authorized this practice. Next, I outline systems of inheritance that encouraged removing some members of the younger generation from the inheritance stream. Then I explore in detail how elders in families of various types and sizes accomplished forced monachization. Finally, I show that this evidence calls into question some widely accepted hypotheses about dramatic changes in the European family during the seventeenth and eighteenth centuries.

Patria Potestas

In early Rome *patria potestas* assigned to the *paterfamilias,* the male head of the family, complete control over his wife, legitimate and adopted children (but not bastards),[1] daughters-in-law, servants, and slaves. The patriarch's prerogatives included the right to kill or sell them into slavery. *Patria potestas* expired only when the household head lost Roman citizenship, died, or formally emancipated his dependents. During the late republican and imperial periods, it was considerably attenuated. The *paterfamilias* came to be understood as having not only power but also moral responsibilities (*officia*): the duty to protect and maintain all those under his power, educate his sons, provide appropriate portions for cadets (younger sons), and dower his daughters in a manner befitting their station. Eventually, religious profession was added to the list of ways in which offspring could exit from a father's control.[2]

Articulated in its modified form in the *Corpus iuris civilis,* issued by the emperor Justinian between 529 and 534 CE, the principle of *patria potestas* informed legal thought and practice in Europe throughout the medieval and early modern eras. From the beginning, however, tension existed between household heads' power and another principle enshrined in the *Corpus iuris.* Naturally, fathers had authority to find spouses for their offspring. Their agreement to children's marriages was essential, but a valid marital union also required the unforced consent of both parties entering into it.[3] From the mid-twelfth century (beginning with Gratian's *Decretum,* ca. 1140) to the mid-sixteenth, generations of canonists expanded on the necessity of spousal consent to marriage, paying less and less attention to parental initiative and agreement.[4] This development culminated on 11 November 1563, when in its penultimate session the Council of Trent issued the canon known by its opening word, *Tametsi.* In the first chapter, which concerned clandestine marriage, the Council fathers reaffirmed that free consent of the man and woman entering into the marriage was the sole requirement for its validity. They proclaimed anathema (excommunication) against those "who falsely assert that marriages contracted by [minor] children without the consent of the parents are invalid."[5]

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1. Many thanks to Thomas Kuehn for this information.
2. Berger, 620–21 ("Pater familias," "Patria potestas"), 472–73 ("Filia familias," "Filius familias"); Besta, 35–37, 66, 193, 198–99. From the first century BCE on, when marriage *sine manu* replaced the older *cum manu* form, wives remained under the *patria potestas* of their fathers rather than passing under that of their husbands. Treggiari, 28–36.
3. Berger, 408 ("Consensus"), 578–79 ("Matrimonium").
4. See Reid.
5. *Conciliorum Oecumenicorum Decreta,* 755; *Decrees of the Ecumenical Councils,* 755.

Seventeenth- and eighteenth-century attorneys representing involuntary religious seeking annulment of their vows occasionally cited a dictum attributed to Saint Ambrose of Milan (d. 397): "God wants a volunteer soldier, not a conscript."[6] Since forced monachization was not a problem in the early Church, it seems impossible that Ambrose meant to refer to it. Nor did the *Corpus iuris* mention consent of the principals as a requirement for their becoming monks or nuns. The issue seems to have attracted very little attention from medieval canonists, but it came to the fore in the mid-sixteenth century. In its final session on 3–4 December 1563, as we saw in chapter 1, the Council of Trent ruled that women could not be thrust into monastic life without their consent, and proclaimed anathema against all who compelled them to vest and profess.[7] The Tridentine canon on consent to taking monastic vows was framed more narrowly than the ruling on marriage issued two weeks earlier. No doubt because they were rushing toward adjournment, and perhaps also because forced monachization of women particularly concerned them, the Council fathers neglected to consider the fact that pressure to profess was applied also to men.[8]

Tridentine rulings on marriage and monachization flew in the face of *patria potestas,* which was thoroughly ingrained in civil law and parental practice. Some forcers who were still alive when their offspring petitioned for release from their vows claimed ignorance of the Council's having mandated free consent as a condition for young men and women entering monastic life. Others acknowledged that confessors had finally made them recognize the error of their ways. A few persisted in asserting that it was their prerogative to dispose of their sons and daughters as they saw fit. In France, royal refusal to accept the Tridentine decree mandating spousal consent to marriage buttressed their claims. Until the end of the Old Regime, the *lettre de*

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6. This appears to be a medieval *sententia* combining statements from two works by Ambrose: *Jacob and the Happy Life,* 125: "Christ chooses for Himself the volunteer soldier; the devil buys for himself at auction the volunteer slave" [bk. 1, par. 3.10]; and *Sermo XLI: De eo quod dicit Dominus in Evangelio: Vulpes foveus habent, etc.,* 17: col. 0684C: "Et cum utique acceptius voluntarium obsequium esse soleat, quam coactam . . ." I am most grateful to Robert Wilken for conducting detective work on this matter.

7. See chapter 1.

8. A draft of the decree on reform of the regulars, submitted on 19 November 1563, was discussed over the next eight days. When news of Pope Pius IV's illness reached Trent on 30 November, the Council rapidly wound up its deliberations. See Jedin, "Per una preistoria," 227–74; and Jedin, *Storia del Concilio di Trento,* 4.2: 256–66. For debates on the decrees, see *Concilium Tridentinum Diariorum, Actorum, Epistularum, Tractatuum, 9:* 1038–97, 1111–20. Many Council fathers probably shared the view of Melchor de Vozmediano, bishop of Guadix, who expressed regret "that such an important matter is being dealt with so precipitously." Ibid., 1097. Although discussion ranged widely, no one mentioned compulsion exerted against young men.

cachet, an order for imprisonment issued by the king, served occasionally to persuade a recalcitrant son that he should follow his father's wishes in regard to marriage or monachization.[9]

Fideicommissum, Majorat, Primogeniture

In order to understand more fully why *patria potestas* played such an important role in forced monachization, we must look briefly at the evolving socioeconomic practices aligned with the principle. Early modern inheritance systems represented a confluence of three originally separate legal provisions. In early Roman law, the *fideicommissum hereditatis* enabled a testator to name a fideicommissioner, an agent responsible for paying off the decedent's creditors and collecting money owed by debtors before passing the estate on to the fiduciary heir. By the time the *Corpus iuris* was issued, the fideicommissioner had acquired the legal status of heir.[10] Since "male filiation through [*patria*] *potestas* was the social and legal bond of authority," this heir was almost always male.[11] The inclusion of "substitutions" enabled a testator to dictate what would occur after the death of the first fideicommissary: the estate would pass to the fideicommissary's heirs and their heirs, when that line was extinguished to another (usually collateral) line, and so on ad infinitum. A testator might and often did add a clause prohibiting alienation of the property.[12]

Contrary to what some scholars have assumed, a medieval *fideicommissum* did not inevitably establish an immutable line of succession within a landholding clan. That happened when families began to opt for primogeniture: the passing of property and titles to one son in each successive generation, thus preventing partition of inheritance.[13] An early move in this direction occurred in fifteenth-century Spain with the growing popularity of the majorat (*mayorazgo:* family estate falling to the firstborn son), a practice that rapidly took hold in southern Italy and Lombardy, both under Spanish control. No later than the end of the sixteenth century, noble families throughout Europe began to adopt primogeniture and the corresponding

9. See Farge, 589–92. I have found no evidence that *lettres de cachet* were used to imprison daughters.

10. Berger, 471.

11. Kuehn, *Illegitimacy,* 67.

12. Thomas Kuehn kindly came to my assistance by clarifying the workings of the *fideicommissum,* which resembled but was not identical to the English entail.

13. Visceglia, 45, 52. As Thomas Kuehn has pointed out to me, forced monachization may well have assumed particular importance in regions where local law was hostile to impartible inheritance.

"family *fideicommissum*."[14] By the seventeenth century, non-noble families were doing the same.[15] Responsibility for continuing the lineage, however, did not invariably involve the eldest son: in Puglia, for instance, the second son and in Venice usually the youngest son assumed "the honor and duty of perpetuating the family."[16]

Despite subtle distinctions in technical details, which provided a rich source of income for lawyers, the *fideicommissum,* majorat, and primogeniture amounted to "nothing other than the same thing under different names," as Ludovico Antonio Muratori put it in 1742.[17] Whatever position in the birth order the favored son held, his father and other elders took steps to ensure that his inheritance would be as large as possible. Their strategy necessarily entailed minimizing or if possible eliminating any potential claims on the patrimony from the designated heir's siblings that went beyond the legally established *legitima* (portion) to which daughters and cadet sons were entitled. Placing some or all of them in religious life presented itself as a particularly effective way of doing so. This alternative offered short-term economic advantages as well. Beyond paying for a male adolescent's education, making him a monk, friar, or clerk regular cost nothing—unless for some reason a gift or bribe was necessary to secure his admission.[18] Preparing him to enter the secular priesthood was more expensive, requiring tuition fees and the payment of room and board for several years in a seminary, followed by assignment of the patrimony needed for appointment to a benefice.[19] At least in theory, a prospective nun too had to be educated, most likely in a convent, at her elders' expense, but the monastic dowry her family then had to furnish amounted to considerably less than a marital dowry. Scattered evidence

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14. For an early example from Rome and environs, see Kuehn, "*Fideicommissum* and Family," 323–42.

15. Zorzoli; Ago, 283.

16. Leverotti, 167. See also Delille and Ciuffreda.

17. Muratori, 200. This comment was no amateur's dismissal of legal technicalities he did not understand: half a century earlier, in 1694, Muratori had earned a doctorate in civil and canon law at the University of Modena.

18. As an insurance policy, many families put at least one surplus son in the military and another in the secular clergy. Should the designated heir die prematurely without issue, a military or ecclesiastical brother could step into his place and take a wife. Ago, 301–6. In Venice, recognizing that family priorities trumped individual wishes, patrician sons not destined to inherit the palazzo, marry, and have children often consented voluntarily to remaining single. See J. C. Davis; and Chojnacki, 244–56.

19. Three among many examples illustrate this point. According to a witness, the mother of Nicolas Du Pont forced her son into the Observant Premonstratensian house in Toul "because she was unable to make him a priest, for the expenses of a seminary were too great" to be sustained by an aged widow with three children. Pos. 286 (9 and 23 January and 6 February *pars* 1 1706), Tullen.,

suggests that in earlier centuries, the ratio between monastic and marital dowries ranged from 1:3 to 1:20.[20] If, as most scholars assume, inflation of marital dowries continued, and if inflation in monastic dowries lagged behind, there may have been an even greater difference by the seventeenth and eighteenth centuries.[21] Before taking their vows, novices of both sexes had to make a notarized renunciation of all claims on the patrimony.[22] Since professed religious could not generate legitimate offspring, furthermore, there was no danger that unexpected claimants to the patrimony from a subsequent generation would suddenly come forward.

Now let us look at unwilling religious in various types of families. As we move from bastards without siblings to legitimate offspring in large, complex households, elders' economic motivations become increasingly apparent.

Bastards: Gennaro di San Girolamo, Mariana Lobo, Girolamo Querini, Teresa Pallavicini, Francesco Bailo

Some monastic orders for men explicitly barred those born out of wedlock from professing,[23] as one case involving compulsion will illustrate. In 1685 a Neapolitan whose secular name the cause papers do not give professed in the Scolopian (Piarist) Order under the monastic name Gennaro di San Girolamo. Fourteen years later, he petitioned for restoration to lay status on the ground that as a bastard, he had been ineligible to enter the order. The

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manuscript translation of diocesan investigation, unpaginated (testimony of Nicolas Petit, n.d. but 1703). Spending money on education without gaining the desired results motivated other parents. After having paid a great deal to educate his son Thomas and realizing that the boy was not profiting from his studies, Stephane Grandjean de l'Isle of Auxerre compelled him to enter the Dominican Order. Pos. 272 (10 and 24 January 1705), Antissiodoren., manuscript *supplica* by Thomas, n.d. Having come to the same conclusion, Michele Maragliano thrust his son Domenico into the Reformed Franciscan house in Genoa. Pos. 387 (30 March and 13 April *pars* 1 1715), Ianuen., *Summarium* ([Rome]: De Comitibus, 1713), A2r-3r (testimony of Michele di Lazzaro Maragliano, Domenico's cousin, 14 March 1710).

20. Rough estimates of the ratio between monastic and marital dowries in fifteenth-century Florence, sixteenth-century Venice, and late sixteenth-century Friuli are 1:3–4, 1:20, and 1:10. Evangelisti, 679; Laven, 41; Paolin, "Monache e donne," 214.

21. The data required for a systematic test of these hypotheses over the *longue durée* and a broad geographic range remain to be accumulated.

22. See, for example, an eighteenth-century edition of a work first published in 1551: Alessandri. Nuns, he states, must make the renunciation within two months of profession; if they renounce their goods to the convent, rather than to a relative, they are entitled to an annual pension. vol. 1: 41–56 (pt. 1, chap. 2, par. 4).

23. Technically, Lobo and Bailo, born in relationships of concubinage (two unmarried people regularly having sex, though usually not living together), ranked as *naturales,* the least dishonorable type of bastards. So, probably, did Querini and Pallavicini. In all these cases, the couples seem to have maintained "an ongoing, not casual, relationship." Kuehn, *Illegitimacy,* 35–36.

relatives who forced him into religion, he claimed, had furnished a baptismal certificate falsely stating that his parents, Luca Piceno and Angela Cusentina, were husband and wife. Perhaps because witnesses differed on whether he had in fact been compelled to become a Scolopian, the SCC rejected his application for nullification of his vows.[24]

In other male orders and in female religious houses, illegitimate birth did not constitute an insuperable obstacle to profession. Forced monachization often served as a convenient way to dispose of bastards, as happened in the case of Mariana Lobo. On 7 May 1653, Simon Ferrão d'Andrade, judge of the court of appeals in Lisbon, entered into a financially advantageous marital union with a social equal, Maria Ana Serrão de Paiva.[25] So as not to arouse his new bride's jealousy, he concealed the fact that his former concubine, Antónia de Jesús (undoubtedly of lower status than he),[26] was pregnant. When she was about to deliver, he took her to the house of his remarkably cooperative new mother-in-law, Ana Guedes. There Antónia gave birth in early September to a daughter, Mariana. So that her identity would be concealed and both parents' reputations protected, Mariana's baptismal certificate bore the names of two fictitious parents.[27] She was raised by Guedes, whom she believed was her aunt, and told that that her father was Guedes's cousin Francisco de Barros Lobo of Bahía.[28] Some fourteen years later, her father arranged for her to enter the Benedictine convent of Santa Ana. Under the religious name Mariana de São Jerónimo, she professed there on 23 February 1668—unbeknownst to her, a year and four months short of the required minimum age.[29]

Not until Christmas of 1684, by which time her parents were long dead, did Mariana learn from a maternal aunt, Margarida Dalmaida, about the real circumstances of her birth, and from "Aunt" Guedes of its date.[30] In January 1685, following normal procedure in Portugal at that time, she applied to her ordinary, the archbishop of Lisbon, for *nullitas professionis* on the grounds that she had professed too early and under duress.[31] Since so much time had

24. PRP 16; LD 53: 222r-v; *DSCC,* 45–46; Pall 481–82 (19 May 1703).

25. Pos. 85 (18 November 1690), Ulixponen., Lobo, *Summarium* (Rome: Reverenda Camera Apostolica, 1690), A3r-v.

26. On concubines, see Eisenach, chap. 4, 134–77.

27. Lobo, *Summarium,* A3r, A4r-v (testimony from several witnesses, n.d.).

28. Manuscript Memoriale, 5r-v (testimony of Ana Guedes, 26 March 1685).

29. *Summarium,* A2v, A3v-4r (testimony of Freira Francisca de Vigiliana, n.d.; testimony of Abbess Antonia da Mãe de Deus, 23 January 1685).

30. Ibid., A5v-6r (testimony of Margarida Dalmaida and Brigida Maria de Silveira, sisters of the late Antónia de Jesús, 12 April and 11 September 1685).

31. LD 40: 704r-5r.

elapsed since her profession, a petition to the pope and the involvement of the SCC were required. Information gathered during the next five years confirmed the long-concealed facts about her birth, but her attorneys presented no evidence supporting her allegation of force. On 18 November 1690 the SCC rejected Mariana Lobo's petition.[32]

Girolamo Vettor Querini—illegitimate son of a patrician, Vincenzo Querini,[33] and a plebeian woman, Maria Rotta—was born in Venice on 18 September 1669 and baptized the following day. After more than thirty years as Fra Candido in the Order of Servants of Mary, he petitioned for release from his vows and restoration to lay status on the same two grounds put forward by Mariana Lobo. The first of these was his premature profession on 13 May 1685, four months and six days before he reached the minimum legal age of sixteen. The second, on which the proceedings exclusively focused, was that he had been made a friar against his will by the imposition of force and fear. At the "tender age" of fifteen, as his Roman attorney put it, he had been compelled by his father, mother, and paternal uncle to enter the Servite Order. Knowing that he was averse to becoming a religious and probably expecting trouble, they sent him in 1684 to Santissima Annunziata, the order's mother house in Florence, to serve his novitiate. He soon fled and turned up at his mother's home in Venice. Both mother and son were very much afraid of Vincenzo Querini, who became violent when angered. Maria Rotta assured Girolamo that his father would not live forever—no doubt a hint that sooner or later, he would be able to petition for release. He was taken to a Servite house in Venice, San Giacomo della Giudecca, where he vested. A year later, "like a lamb led to slaughter" (again, his attorney's term), he made his solemn vows.[34]

Petitioners usually presented excruciatingly detailed evidence about the ways in which force had been exerted and fear induced. Witnesses deposed in this case, however, confined themselves to stating that Vincenzo Querini, "a knight of great authority," had insisted on his natural son's becoming a friar. One recalled his saying, "Look, I want him to be a friar because I don't know what to do with this boy when he grows up; I don't know what to do with him, and before I die, I want him tied down." According to two

32. PRP 10, LD 40: 704r-5r.

33. Vincenzo (1629–89), one of five sons of Alvise Querini of the delle Papozze branch of that family, never entered into a marriage registered with the Avogaria del Comun. ASVe, Misc. Codici 1, Storia Veneta 17–23, Arbori de patritii venetiani, 6.28: 307. This does not exclude the possibility of his having made a "secret marriage," approved by the patriarch of Venice. On secret marriages (not to be confused with clandestine marriages), see Hunecke, *Il patriziato veneziano,* 130–32, 241–43.

34. Pos. 335 (24 September 1707), Venetiarum, Querini, *Memoriale* by Francesco Antonio Brandano ([Rome]: De Comitibus, 1707), A1r-4r; *Summarium* ([Rome]: De Comitibus, 1707), A1r-2r.

other witnesses, the sole alternative to entering religious life presented to the boy was his "going out in the world on a ship." No mention is made of his father's having other children to provide for. Girolamo's mother and his paternal uncle, Stefano Querini, seconded Vincenzo's plan—Maria because she dared not challenge him and had no other way of supporting her son,[35] Stefano probably because he wanted Girolamo out of the way so that he himself or his son could inherit all of his brother's estate.[36]

By 1707, when Querini petitioned for release from his vows, his parents were deceased. In contrast to most other petitions, his did not state when they had "gone to a better life." From the SCC's perspective, this may have been a crucial omission. Only if an unwilling religious petitioned very soon after the demise of the person or persons who had exerted force and fear were the cardinals disposed to recognize that the pressure had been so overwhelming and of such long duration as to constitute an insuperable obstacle to seeking legal relief. Querini's petition was deficient in other respects as well. It contained no indication that his monastic superior or any of his confreres had been questioned. Concrete evidence from fellow religious that Girolamo had protested early and often both before and after his profession, something that the SCC no doubt expected and usually got, was therefore lacking. His roster of witnesses was short and socially unimpressive: four men and a woman, two of them servants and three neighbors. Three of the five authenticated their testimony by making marks rather than signing their names.

Most damaging of all was the absence from the record of the third person who had exerted force and fear, Stefano Querini. Girolamo's uncle was still alive. According to one witness, he had agreed that his nephew's petition could go forward. When those who had forced young people into religious life survived until the time petitions were filed, they usually testified or presented affidavits. Typically, they began by explaining that on the advice of their confessors, they had repented of their illegitimate actions, wished to clear their consciences by saying so in court, and supported the petitioner's effort to gain release. Often, though not always, such evidence contributed to the SCC's deciding in the petitioner's favor. Girolamo's Venetian attorney put Stefano Querini on the list of witnesses to be interrogated, yet the record does not show that he appeared in or submitted anything to the patriarchal court. In Girolamo Querini's case, the absence of evidence from Uncle Ste-

35. Ibid., A2v.

36. Stefano, Vincenzo's youngest brother (b. 1638?), married in 1676 and had one son, Marc'Antonio (1683–1749). VeAS, Misc. Codici 1, Storia Veneta 17–23, Arbori de patritii veneti, 6: 28307; Avogaria di Comun, Matrimoni per nome di donna, 1: 539.

fano may have been the straw that broke the camel's back in a weakly presented case. On 24 September 1707 the SCC rejected his petition.[37]

The complex case of Teresa Pallavicini involves force and fear exerted on women in two generations by a man who was not legally a *paterfamilias.* In August 1691 the professional singer Orsola Balzani, widow of Claudio Curietti, resided in a large rented apartment in the Roman parish of San Lorenzo in Lucina. Her household included her unmarried twenty-seven-year-old daughter, Costanza, and two servants.[38] After boarding for many years in the convent of Santa Croce alla Lungara while Orsola pursued her career on the road, Costanza Curietti had recently returned to her mother's house.[39] One morning when Orsola was out at Mass, Costanza received a gentleman caller with whom she was evidently acquainted: Marchese Niccolò Maria Pallavicini.[40] He suggested that they go to "the first apartment" downstairs so that they could talk privately, out of the servants' earshot. They began to discuss her mother's plan to marry her to a widower, of which Pallavicini did not approve. Suddenly and unexpectedly, Costanza later testified, "he said he wanted to be my spouse and husband, and then he put me on the bed and deflowered me, a virgin, and made me pregnant."[41] On 14 April 1692 Costanza bore a daughter, who was christened Teresa Livia Felice. The baptism record falsely identified the child's parents as a married

37. PRP 20, LD 57: 366v; *DSCC,* 719; Pall 463 (24 September 1707).

38. Pos. 448 (11 January 1721), Romana, Pallavicini, *Praetensae nullitatis Professionis Pro D. Maria Hieronyma Arnalda, Summarium* ([Rome]: Zingi & Monaldi, 1720), A2r-v. This hotly contested case generated an enormous number of lawyers' briefs, in which the "facts" and allegations reported here were repeated over and over. For each, I shall provide only one citation.

39. Costanza may or may not have been Carlo Curietti's daughter. The attorney for Niccolò Maria Pallavicini's aspiring heir Maria Girolama Arnaldi, an opponent of Teresa's suit who claimed disingenuously to be his niece, insinuated that Orsola Balzani, Teresa's grandmother, who had given birth to Costanza at age fourteen, was "loose" and that a bequest to the convent of the Convertite made in her will of 7 February 1694 proved it. *Praetensae nullitatis professionis pro D. Maria Hieronyma Arnalda contra Sr. Mariam Constantiam Pallavicinam, Facti* ([Rome]: Zinghi & Monaldi, 1720), A2v-A3r. On Arnaldi, see Rudolph, 140–42. Costanza's convent residence—variously known as Santa Croce alla Lungara, Le Scalette, and "il monastero della Penitenza"—had been founded to house ex-prostitutes, but by the late seventeenth century not all its residents fell into that category. According to Costanza and the prioress, she stayed there for fifteen years. Giovanni Andrea Rinaldi, one of Teresa's attorneys, argued that the convent was not, as Arnaldi's attorney claimed, a brothel and that Costanza had been a virgin before Pallavicini raped (or as Rinaldi put it, "seduced") her. *Pro Sorore Maria Constantia Pallavicini . . . contra D. Mariam Hieronymam Arnaldam, Responsio cum Summario* ([Rome]: Zinghi & Monaldi, 1720), A1r-v.

40. Orsola Balzani named Pallavicini as executor of her will. *Praetensae nullitatis professionis pro D. Maria Hieronyma Arnalda, Summarium* ([Rome: Zinghi & Monaldi, 1720], A1r. If indeed Orsola was promiscuous, perhaps she and Pallavicini, about the same age, were or had once been lovers. He could not have been Costanza's father, however, because her birth preceded his arrival in Rome by more than a decade.

41. Ibid., A1v (extract from deposition of Costanza Curietti, n.d.).

couple, Giulio Pallavicini of Milan and Francesca Leri, residing in the parish of San Pietro in Vaticano. It was filed at San Giovanni Laterano, seat of the vicar of Rome.[42]

Himself born illegitimate, Niccolò Maria Pallavicini was the first child of Genoese patricians, Marchese Carlo Pallavicini and Selvaggia Centurione, who married several months after his birth in January 1650.[43] Educated first in Genoa and then in France, he was recognized in 1683 by his father, who made him a large *inter vivos* gift. Perhaps by engaging in usury, Niccolò Maria parlayed the sum into a considerable fortune. In 1675, three years after he had donated 2,000 scudi to the Senate, his name was entered in Genoa's Libro dei Nobili. That in other Genoese nobles' eyes this was not enough to make him a bona fide member of the patriciate may well have prompted him to move to Rome in 1676. There he pursued a different sort of legitimacy by becoming a major patron of the visual arts. Pietro Rossini, author of a guidebook to Rome published in 1700, deemed a visit to Pallavicini's ten-room palazzo on the Via dell'Orso an obligatory stop on the tourist itinerary, calling it "the most beautiful in Rome as far as rare modern pictures and large pieces [sculptures] are concerned." Pallavicini also owned a *casino* (a small urban villa) with a walled garden called the Virdario, not far from Santa Maria Maggiore. His election to the poets' Accademia dell'Arcadia in 1692 and the artists' Accademia di San Luca three years later signaled his acceptance into the Roman literary and artistic establishments.

The encounter that produced Teresa was no one-morning stand. Given the social distance between her parents, the question of their marrying seems never to have arisen. Over the years, however, Costanza Curietti and Niccolò Maria Pallavicini remained in close contact. Whether they had a long-time sexual relationship is unclear, but he provided regular financial support to her and their daughter. Costanza dined frequently at his residences. How much time Teresa spent in her father's palazzo on the Via dell'Orso is uncertain, but she was certainly no stranger to it. Deposing in her behalf in the spring of 1720, Pallavicini's servant Giuseppe de' Marchi—a native of Lucca, by trade a barber—recalled that shortly before she professed as a nun in November 1711, she accompanied a group of ladies on a visit to the palazzo. When, as his master had instructed him to do, he showed them the *apparta-*

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42. Ibid., A2r (29 April 1692). Apparently Niccolò Maria gave Teresa her second name, Livia, in honor of his favorite sister.

43. In this paragraph I draw on Rudolph. For his genealogy, see Litta, 5:284, Tavola 5, Ramo di Genova estinto 1741. Legally, his parents' marriage, supplemented by his father's later recognition, served to legitimize him, but that apparently did not win him social recognition among his Genoese peers.

mento nobile, Teresa took him aside and lamented, "But Signor Giuseppe, is it possible that I have to be shut up in a convent and will never again see or enjoy these things?"[44]

Once she reached "the dangerous age" of twelve or thirteen, Teresa's father placed her in San Bernardino ai Monti, a house of Franciscan Tertiaries.[45] Why, among the innumerable female religious houses in Rome, Niccolò Maria chose San Bernardino ai Monti is not difficult to understand. For one thing, since it was far from prestigious, it was an appropriate repository for a bastard daughter. Perhaps more important, it was a bargain. By disbursing a mere 1,500 scudi—twice the standard amount required in this convent but much less than what high-profile houses charged—he obtained for Teresa a "double" dowry (the type usually reserved for "infirm" nuns), which exempted her from many convent obligations.[46]

Consigning adolescent girls to convents did not always signal their elders' intention to keep them there forever. Some exited when female relatives became available to watch over them and safeguard their virginity at home. Others left once marriages were arranged for them. By choice or compulsion, still others took the veil and usually a new name in religion, spent a year as novices in the same or another convent, and then professed the three irrevocable vows of poverty, chastity, and obedience to their superiors.

From the beginning, Niccolò Maria clearly had in mind the third of these outcomes. As he saw it, the decision about Teresa's future was his alone to make. He certainly knew that a decree of the Council of Trent required that a woman must enter a convent of her own free will, ascertained by the ordinary or his representative. Like many other early modern fathers, however, he considered that by virtue of *patria potestas,* his will was the sole deciding factor. "I want my daughter to be a nun, and a nun she must be," he was quoted as having said.[47] Economic considerations no doubt motivated him: a

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44. *Pro Sor. Maria Constantia Pallavicina . . . Restrictus Testium formiter Examinatorum* ([Rome]: Zinghi & Monaldi, 1720), 10 (testimony of Giuseppe de' Marchi, 23 April 1720).

45. Tertiary congregations for lay men and women, originally uncloistered, were established by Francis of Assisi and many other mendicant leaders. Gradually, some of the female houses adopted cloister. No later than 1458, male Franciscan members became a fully fledged, independently administered male mendicant organization: the Third Order of Saint Francis. (See chapter 1n.32.) Shortly after the Council of Trent, enclosure was imposed on Franciscan and all other Tertiary women. *CE,* "Franciscan Order."

46. ASR, San Bernardino ai Monti, b. 4864, fasc. 13, no. 3.

47. "Mia figlia monaca la voglio e monaca ha da essere" (capitalized in the original). *Pro Sor. Maria Constantia Pallavicina . . . contra Ven. Monasterium S. Bernardini di Urbe ac D. Mariam Hieronymam Arnaldam, Secundus Restrictus Facti & Iuris* (Rome: Zinghi & Monaldi, 1720), A9v. As usual in cases like this, the petitioner's attorneys depicted Niccolò Maria, the forcer, as an animal. Those opposing

monastic dowry was of course much cheaper than a marital one. He seems to have had a second reason as well. Once she had professed, he triumphantly told the convent's accountant that "now there will be one less whore here in Rome, for Costanza Curietti's daughter has become a nun."[48] This statement suggests his profound contempt for Costanza and his doubts about her ability and inclination to be a vigilant custodian of Teresa's virginity.

Repeatedly and emphatically, Teresa made clear to her father that she had not the slightest inclination to become a nun, as he insisted that she must do. There is no evidence that Niccolò Maria ever visited her at the grate in the parlor of San Bernardino or that she had any opportunity to talk with him elsewhere. She wrote him notes,[49] and they communicated through several emissaries, the most important of whom was the marchese's servant de' Marchi. He moved frequently between his master's palace and the convent to deliver gifts from the father to his daughter and the nuns—Genoese candied fruit for them all; chocolate, pigeons, wax, and money for the nuns[50]—and to bear messages in both directions. De' Marchi conveyed Niccolò Maria's threats, which alternated with his promises. If Teresa persisted in refusing to become a nun, he would cut off support to her and her mother, turn his back on them, and no longer recognize her as his daughter. "What's more," de' Marchi told Teresa, "he wants to lower further the two most disreputable women in Rome; and he'll make all the damage and trouble he can think of descend upon you." If, on the other hand, she acceded to his insistence that she profess, "she would have whatever she wanted; she would be the principal figure in the convent, treated like a princess."[51]

Costanza tried to persuade Niccolò Maria not to disregard their daughter's adamant opposition to the monastic life. They frequently discussed the

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the petition claimed that he was "a man of the most placid nature and an easy manner." *Praetensae nullitas professionis pro D. Maria Hieronyma Arnalda contra Sor. Mariam Constantiam Pallavicinam, Facti* ([Rome]: Zinghi & Monaldi, 1720), A3r.

48. Manuscript attestation of Antonio Santarelli, 30 September 1717. Maria Gerolama Arnaldi's lawyers may well have expressed Niccolò Maria's reasoning on this second point: since Costanza Curietti was not legally under a man's control (*mulier prorsus incustodita*), she could not be trusted to guard her daughter's virginity. *Praetensae nullitas professionis pro D. Maria Hieronima Arnalda, Facti,* A2v.

49. Many notes from Teresa to her father, found in Niccolò Maria's house after his death, are included in the opposing side's representations. *Praetensae nullitatis professionis per Maria Gerolama Arnaldi, Summarium* ([Rome]: Zinghi & Monaldi, 1720), A3v-5r. There is no indication that he responded to them in writing. Teresa routinely addressed him as *santolo* (godfather), perhaps a euphemism decided on by her parents. She almost certainly knew that he was her father.

50. *Pro Sor. Maria Constantia Pallavicina . . . Restrictus Testium formiter Examinatorum,* 9, 11 (testimony of Giuseppe de' Marchi, 23 April 1720); 15–16 (testimony of Abbess Maria Serafina Caroli, 6 May 1720).

51. Ibid., 8–9.

matter at the dinner table. Why, she asked, would he not consider the possibility of Teresa's marrying? He retorted that if that was what the young woman really wanted, he would find her a "vile," "coarse" (*triviale*) husband—a butcher or carpenter, for instance—in Genoa. Should Costanza prefer that Teresa marry above her station, she would have to furnish the money for a substantial dowry.[52] One evening, as Costanza was about to leave the palazzo, de' Marchi, who was in an adjoining room, overheard the following exchange: "'Remember, [Costanza said,] that she's your daughter, and you shouldn't assault and violate her in this way by making her a nun.' And the marchese shouted, 'Precisely because she's my daughter,' or words to that effect, 'I want to make her a nun.'"[53] Caught between a rock and a hard place, Costanza had to decide whether to second Teresa's strong preference for remaining in "the world," which would mean losing Niccolò Maria's financial support, or to become an accessory to his violation of their daughter's free will. Opting for the latter of these equally unpleasant alternatives, she pressed Teresa hard to yield to her father's demand that she become a nun.[54] Late in 1710, Teresa unwillingly entered the novitiate in San Bernardino under the monastic name Maria Costanza. A year later, in November 1711, she professed.

Altogether, Teresa spent seven or eight years in San Bernardino among professed nuns, novices, and *educande,* many of whom gave evidence in favor of or against her petition for release.[55] Their depositions, shaped by the questions put to them, naturally focused on Teresa's behavior. Three of them expressed their views on the unfortunate consequences for the convent that would ensue if Teresa were permitted to leave it.[56]

A major reason for Teresa's dissatisfaction, as several of her monastic sisters testified, was that Marchese Pallavicini refused to establish a *livello* (endowment) for her. The current abbess, Maria Serafina Caroli, explained that "our convent gives all nuns who need it their food, [the services of] a physician, medicine, and similar things; but each one is responsible for her clothes, and for this *livelli* are necessary. Whoever lacks an adequate *livello* must [earn

52. According to Maria Gerolama Arnaldi's lawyers, Costanza was well-to-do, having inherited jewels, silver, and valuable furniture from her mother. *Praetensae nullitatis professionis pro D. Maria Hieronyma Arnalda contra Sor. Mariam Constantium Pallavicinam, Facti,* A6r. Although the truth of this claim cannot be ascertained, I am inclined to doubt it.

53. *Pro Sor. Maria Constantia Pallavicina . . ., Restrictus Testium formiter Examinatorum,* 4.

54. Ibid. Costanza's choice strongly suggests that she could not afford to forego the living expenses Niccolò Maria provided.

55. *Converse* (second-class servant nuns), who were presumably present as well, make no appearance in the record.

56. See citations in chapter 4n1.

money] by working or else obtain assistance from her relatives."[57] According to Suor Virginia Cristina Caccia, who had been abbess at the time Teresa professed, Costanza Curietti tearfully begged Niccolò Maria to establish an endowment for Teresa. He exploded in rage, "saying that he didn't want to assign a *livello* as long as he lived, and he would take care of maintaining her."[58] Clearly, he sought to retain complete financial and psychological control over his daughter, and her mother as well.[59] His refusal directly contradicted his earlier promise that she would live like a princess in the convent. Lacking a *livello,* she was an oddity, evoking pity on the part of a few nuns and probably scorn from most of them.

During her novitiate, Teresa did not remain in the spaces reserved for novices, as the Council of Trent and subsequent rulings by the Congregation of Bishops and Regulars required. Instead, she sororized with the *educande.* The former *educanda* Anna Mangani reported her saying that since she had been forced, she would profess "with her mouth, but not with her heart"—a statement so common in forced monachization cases that lawyers may have put it into their clients' and witnesses' mouths. One day during the hour of recreation, Anna recalled, Teresa looked at the inside door of the convent and fantasized that "if the keyhole were large enough, I'd like both of us to escape from this convent right now."[60] Her frequenting the wrong people in the wrong places continued after she professed. According to Porzia Berlendis Giachetti, another former *educanda,* "so great was [Teresa's] aversion to staying in the convent and being a nun" that she hated her professed sisters and made friends only with secular inmates of the house.[61]

Niccolò Maria Pallavicini died suddenly on 14 March 1714.[62] Evidently well informed about the regulations governing applications for release from the convent, Teresa took care to petition her ordinary, the vicar of Rome, in 1716, a few months before the fifth anniversary of her profession, when the window of opportunity for doing so would swing shut.[63] Apparently the proceedings did not go forward, probably because of litigation in the Camera

57. Ibid., 18 (testimony of 6 May 1720).

58. Ibid., 22 (testimony of 10 May 1720).

59. As a longtime friend of Niccolò Maria put it, "in this way he wanted to constrain and compel her [Teresa] to remain always subordinate to him and—in fear of losing his protection and the maintenance he was providing—obligated to profess." *Pro Sor. Maria Constantia Pallavicina, Summarium Iurium* ([Rome]: Zinghi & Monaldi, 1720), A1r (attestation of Domenico Ciotti, 1 July 1720).

60. Ibid., A2r-v (attestation of Anna Mangani, n.d.).

61. Ibid., A1v (attestation of Porzia Berlendis Giachetti, 30 May 1720).

62. Rudolph, 140.

63. *Nullitas Professione pro Sorore Maria Constantia Pallavicini . . . contra D. Mariam Hieronimam Arnaldam, Memoriale reassumatur* ([Rome]: Zinghi & Monaldi, 1720), first leaf (unfoliated).

Apostolica (papal treasury) about financial matters. Since Marchese Pallavicini had died intestate, his entire estate devolved by law to the pope. Costanza Curietti on her daughter's behalf and Maria Gerolama Arnaldi, his supposed niece,[64] immediately brought opposing suits in the Camera asserting claims to what must have been a very large amount of money and property. On 16 March 1720 the pope's auditor forwarded to the SCC all the materials gathered in the vicar of Rome's court.[65] Thereafter, despite the rapidly multiplying legal representations the SCC had to process, the case proceeded with unaccustomed speed—probably because Teresa's legal team presented a very strong case for her having been made a nun by force and fear. On 1 October 1720 the cardinals voted to grant her *restitutio in integrum,* and on 11 January of the following year they reaffirmed their decision.[66] In contrast to virtually all the other cases ending in a favorable decision, we know what became of the petitioner after the SCC handed down its ruling: she did not live happily ever after. In January 1722, perhaps because the vicar of Rome was dragging his feet on issuing the complementary decree of *nullitas professionis,* she was still living in San Bernardino wearing her habit. There she died at age twenty-nine.[67]

In contrast to the three cases of illegitimate offspring just discussed, Francesco Bailo's involves kinfolk not only in the previous generation (his uncle) but also in his own: two cousins who coveted his inheritance. Born around

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64. It seems probable that Arnaldi was not Pallavicini's niece but his one-time lover. Tommaso Niccolò Maria Arnaldi, who in April 1720 entered the lists on his mother's behalf, may not have been Pallavicini's godson, as he and Maria Gerolama claimed, but their illegitimate son. Rudolph, 141. One of Teresa's attorneys mentioned that her legal team was preparing a document entitled *Arbor Genealogica D. Arnaldae,* which would reveal Maria Gerolama's lies about her background. *Nullitas Professionis pro Sorore Maria Constantia Pallavicini . . . contra D. Mariam Hieronymam Arnaldam, Risponsio cum Summario* ([Rome]: Zinghi & Monaldi, 1720), A1v. Whether they completed and submitted the *Arbor* is unclear; it does not survive in the cause papers. Tommaso, who was not a lawyer, presented a review of the "evidence" entitled *Per la Signora Maria Gerolama Arnalda Nipote & Erede del Marchese Nicolò Maria Pallavicino contro Sor Maria Costanza Pallavicina, Memoriale d'osservationi di Fatto* ([Rome]: Zinghi & Monaldi, 1720). The only submission to the SCC in a vernacular that I have encountered, it was ridiculed on factual, stylistic, and linguistic grounds by Teresa's attorneys in *Pro Sor. Maria Constantia Pallavicini . . . contra Ven. Monasterium S. Bernardini de Urbe ac D. Mariam Hieronymam Arnaldam, Tertius Restricti Facti & Iuris cum Summario* ([Rome]: Zinghi & Monaldi, 1720).

65. *Nullitas Professionis pro Sorore Maria Constantia Pallavicini . . . contra D. Mariam Hieronimam Arnaldam, Memoriale reassumatur,* manuscript annotation on cover.

66. For the 20 October decision, see PRP 33, LD 70: 442v, *ThR* 1: 377, *QCM* 12: 165–68; for its reaffirmation, PRP 34, LD 71: 2r-3v, *ThR* 2: 3–4, *QCM* 12: 255–56, Pall 423.

67. On 19 January 1722 the nuns discussed who should move into the cell the deceased had occupied. ASR, S. Bernardino ai Monti, b. 4857, no. 3. An undated document concerning her burial implies that she died of drink. Seven years later, Costanza Curietti, Maria Gerolama Arnaldi, and the convent were still involved in litigation about who should get her monastic dowry. Ibid., b. 4864, fasc. 13, no. 3.

1672 in Sarezzo, a small town in the Val Trompia north of Brescia, Francesco was the natural son of Desiderio Bailo, a local notable, and his unnamed concubine. In 1675, while a notary was on the way to his house to draft his will, Desiderio died. Had he made a testament, one witness stated confidently, he would certainly have provided for his young son, "for he loved him very much." Three-year-old Francesco and his considerable inheritance of some eighty thousand ducats were taken in hand by his paternal uncle, Tiburzio, who had two sons, another Francesco and Angelo, approximately eight and six years older than their cousin.[68]

To outward appearances, Tiburzio Bailo treated his nephew affectionately, seeing to it that he got a good education. Behind his apparent benevolence lay an ulterior motive: to remove Francesco from the house and the line of inheritance by making him a friar so that Desiderio's estate would pass directly to Tiburzio and then to his sons. When the uncle asked his nephew whether he wanted to become a friar, Francesco replied, "Absolutely not." To break the young man's will, Tiburzio enlisted his sons in a campaign of psychological and physical intimidation. In the family home and on the streets of Sarezzo, they called their cousin "bastard" and "mule"; they beat him with sticks, stones, gun-stocks, and fists and threatened to shoot or poison him. On one occasion their father pushed him down the stairs, injuring him so severely that he required medical treatment.[69] Meanwhile, Tiburzio was casting about for a suitable monastic house in which to place his nephew. Several monasteries in Brescia demurred, stating either that they had no room or that their constitutions prohibited them from accepting novices of illegitimate birth. Having settled on San Francesco di Paola, the Minim house in Venice, Tiburzio had his nephew put into a carriage and taken there. On 23 September 1687, weeping and protesting, Francesco donned the habit and took the monastic name Desiderio, in memory of his late father.[70]

Since Francesco's illegitimate birth as well as his evident disinclination to enter religious life raised obstacles to his becoming a Minim friar, the wheels had to be greased. Cousin Francesco promised and delivered a handsome reward to Fra Gatti in the Venetian monastery of San Francesco di Paola for

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68. Pos. 358 (16 July 1712), Venetiarum seu Brixien., Bailo, *Summarium* ([Rome]: De Comitibus, 1710), C4v (testimony of Pietro Jacopo Benagli, 18 December 1709 on Bailo's late mother's status); A7v (testimony of Ludovico q. Giulio Questrini, 8 June 1709 on Desiderio's love of Francesco). *Restrictus Facti & Iuris* ([Rome]: De Comitibus, 1711): Desiderio's death, size of his estate.

69. *Summarium* 1710, A7v-B1v (testimony of Ludovico Questrini). On the use of the epithet "mule" to brand a bastard as "beneath honor, subhuman," see Kuehn, *Illegitimacy,* 90–91.

70. *Summarium* 1710, A2r-B1v (testimony of Stefano Fiorini, 23 May 1709; R. P. Francesco Conforti, 27 May 1709; Angelo q. Pietro Giacomo Nidi, 1 June 1709; Ludovico Questrini, 8 June 1709).

attempting to change the mind of the involuntary candidate for monachization. As one of Gatti's colleagues later recalled, the friar assured Francesco "that one lives well in religion, and there are recreations." During the young man's novitiate, Uncle Tiburzio gave the provincial of the order, Fra Stricher, a financial incentive to ensure that the young man proceeded to profession. On two or three visits to Venice during Francesco's novitiate, Tiburzio dissuaded his nephew from leaving the monastery and returning home by warning that if he did so, he would not be able to stand the punishment his cousins would mete out. Seven months into his novitiate, Francesco's will seems to have been broken: he wrote his uncle urging him to lobby the provincial for a favorable vote on his admission to full monastic status. In late September 1688, Francesco Bailo professed in San Francesco di Paola. Some years later, in 1693, he made a notarized declaration attesting to the fact that he had been forced into monastic life and stating that he would appeal when and if the force and fear that was keeping him there ceased.[71]

That moment did not arrive for eighteen years. During this time the unwilling friar was moved by his order from one monastery to another: Sarezzo, Verona, Salò, Bergamo, Venice again, and Brescia. According to one confrere, he refused to hold monastic office or vote in chapter meetings—a telling indication that he did not consider himself a bona fide friar. He spent a year or more at the imperial court in Vienna, where he learned to play the cornet. After Uncle Tiburzio died on 26 May 1702, he continued to fear his cousins, Francesco and Angelo. According to several witnesses, his trepidation was fully justified: Tiburzio's sons' reputation for violent behavior, common knowledge in Sarezzo, certainly amounted to force and fear sufficient to deter him. But as his profligate cousins rapidly ran through the enormous legacy that should have gone to him, Francesco Bailo took heart. In the spring of 1706 he petitioned the pope for release from his vows.[72]

After a two-year delay, the SCC ordered the patriarch of Venice to conduct an investigation. According to a later submission by one of Bailo's attorneys, the job was badly done. The patriarch's men had neglected to question Fra Desiderio's local superior and his cousins. Furthermore, they

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71. Ibid., A4r-5r, C5r (testimony of R. P. Francesco Conforti, 27 May 1709). *Summarium* ([Rome]: De Comitibus, 1711), A3r, A1r (Francesco Bailo to Tiburzio Bailo, 23 May 1688, written and later recalled by R. P. Nicolò Maloffi, 1 April 1711; Bailo's notarized declaration, 20 April 1793).

72. *Summarium* 1710, A4r, C5r (testimony of R. P. Francesco Conforti, 27 May 1709; Pietro Jacopo Benaglia, 18 December 1709). *Secundum Memoriale Additionale Facti & Iuris* ([Rome]: De Comitibus, 1711), A1v. *Summarium* 1711, A2v. *Memoriale Facti & Iuris cum Reassumatur* by Domenico Ursaya and Giovanni Jacopo Orsini ([Rome]: De Comitibus, 1712), A2v.

had overlooked the fact that at the time of his profession, contrary to the constitutions of the Minim Order issued by Pope Sixtus V, the candidacy of this illegitimate adolescent had not been carefully scrutinized. In mid-1709 a second investigation was conducted in Brescia, where the supplicant was then living. Several of his confreres from houses in Brescia and Salò testified that he had been forced into monastic life, had protested formally several times, had never participated in activities that in any way confirmed his profession, and had been impeded from filing a petition to Rome because of continued severe pressure from his uncle and cousins. None saw any ground for objection to his being released from his vows.[73]

At some point before November 1709, cousins Francesco and Angelo filed a countersuit. Their *capituli* (questions to be put to witnesses) are not to be found in the dossier, but some of them can be inferred from witnesses' responses and attorneys' briefs. They centered on Fra Desiderio's stay in Vienna, where they claimed he had gone without permission from his superiors and had served "Lutheran lords," and on his playing the cornet. Three witnesses, two of whom stated that cousin Francesco had tried to suborn them, rejected the charge that Bailo wanted to leave the monastery "only in order to lead a libertine life" and "go around at leisure playing the cornet for his pleasure." The petitioner's lawyers also took care to rebut the cousins' contentions.[74]

On February 1711, as usual without explaining why, the SCC decided against Bailo. The matter did not end there. Over the next eighteen months, his case came before the cardinals in four more meetings. Repeated representations made by Bailo's very active Roman attorneys (among them Domenico Ursaya, with whom we will become acquainted in chapter 4) no doubt prompted these discussions. They did not, however, lead to a positive outcome for the petitioner. On 18 July and 8 August 1711 and again on 30 April and 16 July 1712, the SCC ruled *in decisis et amplius,* meaning that the original negative decision stood and Bailo was barred from approaching the Congregation again.[75]

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73. *Memoriale Facti* by Lorenzo Nicoletti (fragmentary; n.p., n.pr., n.d.), A1r. *Summarium* 1710, A1r-2r, A3v-5r, B5v-7r, C5r-v (testimony of R. P. Giovanni Francesco Morandi, 27 February 1709; R. P. Filippo Morandi, 29 April 1709; R. P. Francesco Conforti, 27 May 1709; R. P. Gaspar Tovari, 19 August 1709; R. P. Giovanni Battista Comella, 20 August 1709; R. P. Aldefonso Panzani, 27 August 1707; R. P. Gaetano Stefanini, 17 August 1708).

74. *Summarium* 1710, B7r-C5f (testimony of Santo Bedusi, 30 November 1709; Giovanni Francesco Bedusi, 4 December 1709; Pietro Jacopo Benaglia, 18 December 1709). *Secundum Memoriale Additionale Facti & Iuris,* A1v.

75. PRP 24, LD 61: 333r (18 July 1711); PRP 24, LD 61: 358v (8 August 1711); PRP 25 (30 April 1712); PRP 25, LD 62: 267r (16 July 1712).

In three of these four cases, we have encountered fathers anxious to dispose of illegitimate offspring (or, if their intentions are cast in a more charitable light, to assure their futures) by placing them in monastic life against their wishes. The ability to do so—premised on the age-old civil law tradition and custom of *patria potestas,* in direct conflict with post-Tridentine ecclesiastical norms—lies in the background of Mariana Lobo's case, emerges somewhat more explicitly in Girolamo Querini's, and comes to the forefront in Teresa Pallavicini's. Financial motives on the part of the fathers, none of whom was alive when his daughter or son's case came before the SCC, do not appear. Nowhere in the three sets of cause papers is there any mention of legitimate children whose interests were being advanced by the forced monachization of their bastard half-siblings. Money enters only into the Querini case, but conjecturally and from a collateral direction. That Uncle Stefano was trying to divert his brother Vincenzo's wealth from Girolamo to himself seems likely; that he may have been working on behalf of his own children, never mentioned in the cause papers, remains speculative. Although he too was a bastard, Francesco Bailo's situation differs: here the forcers were an uncle and cousins with explicit patrimonial concerns. This case forms a bridge to the next type of family to be considered. When the younger generation in a household contained several legitimate siblings born of the same parents, economic motives move to the center of efforts to remove one or more of them from the inheritance stream by putting them in monasteries and convents. Favored siblings often seconded their parents' strategies.[76]

Large Families: Maria Vittoria Gagnoni, Matteo and Gioacchino Magri, Marguerite-Eugénie and Anne-Marie Beauregard

Among many sets of proceedings originating in large families, four will illustrate vividly the ways in which economic considerations influenced parents to thrust unwilling adolescents into monastic life. Cause papers in the case of Maria Vittoria Gagnoni of Montepulciano refer by name to three sisters, two older and one younger, and four brothers. Unlike most petitioners, Maria Vittoria appealed at the relatively early age of twenty-four, during her parents' lifetimes.[77] Tommaso Gagnoni and Zenobia Cervini aimed to chan-

76. See Schutte, "La Congregazione del Concilio e lo scioglimento dei voti religiosi." My article treats the cases discussed below and several other similar ones.

77. Pos. 186 (9 August *pars* 2 and 30 August 1698), Montis Politiani, Gagnoni.

nel as much of their inheritance as possible to their eldest son, Francesco. In accordance with their intentions, five of their eight children entered religious life. Fausto and Marcello became priests. Two daughters older than Maria Vittoria entered the Dominican convent of San Girolamo, taking the names Rosa Maria and Maria Lucrezia; a younger one, in religion Felice Maria Maddalena, joined them later. Maria Vittoria, also destined to become a nun, was placed in education in the same convent. For unspecified reasons, she was removed from San Girolamo. Perhaps her frequently expressed reluctance to follow her parents' wishes led the Dominican nuns to decide that she had no future among them.

Maria Vittoria insisted that she wished to marry. Zenobia Cervini sarcastically retorted, "If you want a husband, the tenant farmer from Greppo or the one from Caselle will take you, and you'll carry a basket on your head like the peasant women."[78] If they did not already know, her relatives soon learned that she had in mind a prospective husband of her own class: Antonio Contucci.[79] This concrete obstacle to their plan made her parents and eldest brother all the more determined to force her into religious life. Following a brief stay at home, during which she was harangued by her parents, threatened with a knife by her father, and kept on a diet of bread and water,[80] she was placed in education in another convent, the Augustinian house of San Bernardo,[81] where several of her and her suitor's relatives were nuns.[82] To make it abundantly clear that she must vest and profess there, her brother Francesco came frequently to the parlor with pistol and dagger in hand,

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78. *Summarium* (Rome: Reverenda Camera Apostolica, 1698), A1v (testimony of Domenica Villani, formerly a servant in the Gagnoni household, n.d.).

79. Ibid., A1v, A6v, A7r (testimony of priest Ottaviano Torricelli, canon Giuseppe Avignonesi, and attorney Francesco Taurusi, n.d.). According to Avignonesi, during her vestition ceremony Maria Vittoria looked toward the west door of the church and flirted with Contucci.

80. Ibid., A1r-A2r (testimony of Girolamo Calderi, Domenica Villani, and Suor Felice Maria Maddalena Gagnoni, n.d.).

81. Unfoliated loose sheet (Antonio Cervini, bishop of Montepulciano [or someone writing on his behalf], to the SCC, 28 November 1693. Related in the third degree to Maria Vittoria's mother, Cervini became bishop of Montepulciano on 13 August 1663 with a dispensation for not having been ordained priest; he died in residence on 9 September 1706. *HC* 4:248; 5:275. No doubt because he was reluctant to rock the boat in his distinguished family, the bishop seems to have ignored clear indications that Maria Vittoria's parents had forced her to become a nun. This letter, which attempts to justify his actions, refers to him in the third person; soon after it was written, the SCC turned the case over to Lucio Borghese, bishop of Chiusi. PRP 11 (12 December 1693). Two other documents in the dossier defend Bishop Cervini: unfoliated loose sheets, undated memorandum without the names of the writer and the recipient; ibid. (Lucio Borghese to the SCC, 13 September 169[6?]).

82. Manuscript report of Lucio Borghese's investigation transmitted to the SCC on 25 February 1696, unfoliated (testimony of the nuns of San Bernardo regarding the disputed issue of whether Gagnoni's profession—the first of two stipulated by this convent's rule—was technically binding, n.d.).

threatening to murder her if she did not comply.[83] According to an eyewitness, on the afternoon of 2 January 1686, two hours before his sister was to take the habit, he sought her out at the door of the convent in order to gloat about her impending departure from the secular world.[84]

On 8 June 1687, after being voted down twice by the nuns and finally accepted on a third ballot, almost certainly rigged,[85] Gagnoni professed under the name Maria Fidaura. During the proceedings for her release, which opened in late 1693, her brother Francesco was undoubtedly a party to the countersuit brought by her father and other male family members. Other brothers and sisters appear. Her younger sister, Suor Felice Maria Maddalena, testified in her behalf;[86] her older sisters, Suor Rosa Maria and Suor Maria Lucrezia, confirmed that a letter to her mother submitted in evidence was in her hand.[87] Three letters included in the dossier—from Fausto to Maria Vittoria and from her to Marcello and to an unnamed sister—are couched in affectionate terms, but since all concern her feigned willingness to become a nun, they shed no light on these brothers' and sisters' view of her real attitude.[88] In addition to Sister Felice Maria Maddalena, her brother Giacomo, probably close to her in age, seems to have sided with Maria Vittoria. The witness Francesco Contucci (perhaps the brother of Antonio, her suitor) mentioned having taken him to Acquapendente to attend the performance of a comedy. Giacomo was grateful for the invitation because it enabled him to avoid both the painful experience of witnessing Maria Vittoria's vestition and a confrontation with his parents, who (he told Contucci) were trying to prevent his having any contact with his sister.[89]

After extended negotiations over whether Tommaso Gagnoni was responsible for his daughter's legal expenses,[90] and an initial negative ruling on

83. *Summarium,* passim (testimony of many witnesses, n.d.).

84. Ibid., A4v (testimony of Bernardina, widow of Francesco Fei, who had witnessed this encounter, n.d.).

85. When they voted on candidates for vestition and profession, professed religious cast beans. In San Bernardo, a white bean signified "yes," a red one "no." When a nun urged Maria Vittoria to pray for a favorable vote on the second ballot, she retorted, "On the contrary, pray God that they don't make me win, and cast a red bean." *Pro Rev. Sor. Maria Fidaura Gagnona. Contra illustriss. D. Equitem Thomam Gagnonum, et Ven. Monasterium S. Bernardi dictis civitatis* (Rome: Reverenda Camera Apostolica, 1695), A3r (testimony of the daughter of Pierpaolo Cocconi [religious name not given], n.d.).

86. See note 77.

87. Loose sheet, unfoliated, 22 [October?] 1695.

88. *Pro Rev. Sor. Maria Fidaura Gagnona* (1695), A1v; *Pro Illustriss. DD. Equite Thomae, & aliis de Gagnonis, Summarium* (Rome: Reverenda Camera Apostolica, 1695), A3v–4v.

89. *Summarium* (1698), A5v.

90. PRP 12; LD 45: 332v–3r, 281v, 567v–8r, 603r, 642v (30 April, 28 May, 12 November, 26 November, and 10 December 1695).

16 June 1696,[91] the SCC reconsidered its decision. On 30 August 1698 Maria Vittoria was released from her vows.[92] Among her seven siblings, as we have seen, only two apparently sympathized with her plight. Her two brothers who were priests and her two elder sisters who were nuns seem prudently to have avoided involvement in her predicament, thus implicitly favoring the forcers. The cause papers highlight fierce verbal and physical assaults on her by the brother chosen to receive the entire patrimony.

Professed nuns came almost exclusively from the social and economic elite. In male houses, the pool of recruits and draftees was broader and deeper. Eleven children of Sebastiano Magri, a surveyor from Cardito (a small town between Naples and Caserta), survived to adulthood. Perhaps with support from his wife, Vittoria Cervone, he placed six of his ten sons in religious careers, allegedly because he was too poor to provide for them otherwise.[93] After attending the seminary in Aversa, the eldest, Francesco, became a secular priest. Pietro entered the Carmelites, Angelo the Dominicans, and Antonio an unspecified order.[94] Whether these four brothers followed their father's directives willingly or otherwise, none of them seems to have expressed open aversion to the religious life. Two others—Matteo, sixth or lower in the birth order, and Gioacchino, probably the youngest—behaved very differently.[95]

In 1718, when Matteo Magri was eighteen, his father compelled him to enter the Capuchin novitiate in Caserta. A few days after vesting, he headed home to Cardito. After beating him all around town, Sebastiano forced him into the Third Order of St. Francis in Maddaloni. About a year later, Matteo professed at the order's house of Sant'Antonio in Posillipo, a suburb of Naples, taking the religious name Giuseppe Maria. In a monastic career

91. PRP 12; LD 46: 249r–50v.

92. LD 48: 426v, Pall 471.

93. Magri's father claimed to be a "poor man about seventy years old, in ill health and burdened with a large family." Pos. 658 (28 February and 14 March pt. 1 1739), Neapolitan., Magri, *Responsio cum Summario ex gratia viden*. ([Rome]: Mainardi, 1736), A2r (testimony of Sebastiano Magri, 2 May 1736). According to a witness, however, he was "a well-off person, whose holdings may amount to 2,000 ducats"—in a small agricultural center, a considerable sum. *Summarium* ([Rome]: Mainardi, 1736), A5v (testimony of Giovanni Vitagliano, 22 July 1736). Only Matteo Magri alleged that his mother colluded with his father. *Memoriale cum Summario in Calco per nova Audientia* ([Rome]: Mainardi, 1736), A7v (testimony of Matteo Magri, 21 April 1733).

94. On Francesco, Pietro, and Angelo, see the cause papers regarding Gioacchino Magri, Pos. 801 (9 May *pars* 2 and 6 June 1750), Thelesin., Magri, *Summarium* ([Rome]: Bernabò 1750), A1r. On Antonio, see Pos. 658, *Summarium,* A2v (testimony of Biagio De Micco, 27 June 1735).

95. Two other sons, Nicola and Onofrio, remained laymen. Pos. 801, *Summarium* ([Rome]: Bernabò, 1750), A1r. By this time, Matteo and another brother (unnamed in either set of cause papers) had apparently died. What became of Sebastiano's only daughter is unknown. Given the family's modest status, it seems unlikely that she became a professed nun.

punctuated by numerous flights home and jailings, he managed to achieve ordination to the priesthood. In 1729 his general nominated him to serve as prior of Santa Maria di Monte Core, the house in Maddaloni. Only then did authorities in the order become aware of two technical impediments they should have recognized twenty years before. The constitutions of the order (based on Urban VIII's constitution *Militantis Ecclesiae,* issued a century earlier) forbade admitting anyone who had spent time, however brief, in another order. Further, the constitutions required "filiation": the presence of a member's name on the rolls of a particular monastery. Matteo, who had served his novitiate in Maddaloni and professed in Posillipo, was not formally affiliated with either house.[96] When these problems came to his attention, Matteo based his first petition for release, submitted in 1733, partly on his lack of filiation. Evidently he had not benefited from competent legal advice: seven years earlier, the SCC had ceased accepting petitions premised on the absence of filiation.[97]

After his request was turned down on 28 April 1736,[98] Matteo requested and obtained a new hearing. For years, he claimed, he had suffered from the "lack of the financial portion due to me," which explained his delay in petitioning.[99] That he could now afford to hire competent legal advisers was due to a change of heart on the part of his eldest brother. Testifying on 25 April 1737, Francesco admitted his responsibility for launching Matteo's troubled career as a religious. "Because I believed that life in a religious order was paradise," he said, "I with charity [and] good reasons and my father with rigor and beatings" had forced Matteo into the Franciscan Third Order. Finally persuaded that his brother's soul would be damned if he remained a friar, he opened his purse and provided the financial assistance necessary for Matteo's filing an appeal.[100] His father, now repentant, furnished a notarized declaration. "So that I and my son can save our souls," Sebastiano admitted that he had forced Matteo to become a friar.[101] No doubt primarily for this reason, Matteo Magri's second appeal met with success: on 14 March 1739, the SCC released him from his vows.[102]

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96. Pos. 658, *Pro R. P. Josepho Macri Responsio cum Summario* ([Rome]: Mainardi, 1736) by Francesco Falco, letter A, *#22.*

97. PRP 46 (26 March 1733).

98. PRP 48, LD 86: 160r-61v, *ThR* 7: 237–39, Pall 467.

99. Pos. 658, *Summarium,* A8v. Matteo was undoubtedly referring to his *legitima,* which he must have renounced at the time of profession.

100. Manuscript Summarium, unfoliated (testimony of Francesco Magri, 25 April 1737).

101. *Memoriale cum Summario in calco per nova Audientia* ([Rome]: Mainardi, 1736), A2r.

102. LD 89: 73r, 74r; *ThR* 9: 33; Pall 467.

Nine years later, in 1748, the youngest Magri brother, Gioacchino, petitioned for release from the Congregation of Monte Colorito of the Augustinian Hermit Order, in which he had professed in 1726. He had wanted to become a secular priest, he explained, but his father had forced him to become a religious, threatening otherwise "to sell him to the war"[103]—a threat often used to intimidate adolescent males, as we shall see in chapter 8. By 1748 the patriarch, Sebastiano, was dead. To all intents and purposes, the eldest in the band of brothers, Francesco, twenty-one years Gioacchino's senior, headed the Magri household. After repeated tearful pleas, Gioacchino finally convinced Francesco, now the parish priest of Cardito, to furnish the money necessary for presenting his case.[104] Whether his eldest brother had participated in Gioacchino's forced monachization is unclear; though still alive, he did not testify on his brother's behalf. (The other three brothers in monastic orders were not heard from in either set of proceedings.) Perhaps the absence of testimony from Francesco had something to do with the fact that the SCC rejected Gioacchino's petition, voting against him on 22 November 1749 and reconfirming the negative ruling in two subsequent sessions.[105]

In the mid-1750s, Marguerite-Eugénie and Anne-Marie Beauregard were forced by their father, Antoine, into a Benedictine convent in Chambéry, where they chose or were compelled to assume the monastic names Christine and Victoire. Along with many other cases, theirs—one of only two instances of a joint petition[106]—demonstrates that, contrary to almost universal received opinion, parents did not place only cadet offspring in convents and monasteries.[107] Indeed, it appears likely that many followed the practice explained by Antoine Beauregard during the proceedings: "Before my daughters the petitioners entered religion, finding myself burdened with a rather large family and not much favored by fortune with financial resources, I decided to settle some of [my daughters], and in particular these two, who were the eldest."[108] Marguerite-Eugénie appears to have taken the lead in their joint effort to

103. Pos. 801, *Summarium* ([Rome]: Bernabò 1749), A2v.

104. Ibid., A4r-v.

105. LD 99: 441r; LD 100: 1r, 143v; *ThR* 18: 62; *ThR* 19: 3, 23; Pall 489.

106. The other, by the sisters Luísa and Maria Magalhães, is discussed in chapter 7.

107. Among the few modern scholars who have recognized this are Medioli, *L'"Inferno Monacale,"* 111; Ago, 285–86; and Cox, "The Single Self," 552. They speak only of daughters; perhaps to a lesser degree, the same is the case with sons.

108. Pos. 1153 (23 February 1771 1st pt.), Gratinopolitan., Beauregard, *Summarium* ([Rome]: Bernabò, 1770), A5r (testimony of Antoine Beauregard, late November 1769). Like all cause papers in languages other than Italian, these were translated for the benefit of cardinals on the SCC, most of them Italians. Ludovico Fabri (Louis Fabre, Favre, Febvre?), a translator credentialed by the Rota, put materials in the Beauregard case into Italian. The French originals are included in the dossier.

gain release. Her being two years older than Anne-Marie seems to have been less significant than the fact that she had a second ground on which to appeal. Not only had she been forced to profess; she had taken her vows four months before her sixteenth birthday.[109] The sisters' procurators prepared two sets of questions to be put to witnesses, one regarding each sister.[110]

Among Antoine Beauregard's numerous progeny, four others appear or are mentioned in the cause papers. Antoine referred to his eldest child, a son named Hyacinthe, born in 1737.[111] A nun testified that Marguerite-Eugénie attributed frequent vomiting during the year of her novitiate to having been kicked in the stomach by another brother, Jean-Baptiste. A married sister, also named Marguerite, explained that when Antoine locked Anne-Marie in a room with barred windows, she tried to help by passing bits of candle wax through a hole in the wall so that her sister could have some light. Anne-Marie asked her to tell their father that she was unwilling to become a nun, but Marguerite lacked the courage to do so. Another younger sister, Jacqueline-Marie, confirmed that their father had severely mistreated his two eldest daughters.[112] These sisters' testimony, along with their father's admission that he had forced Marguerite-Eugénie and Anne-Marie into the convent, no doubt contributed to the SCC's authorizing their restoration to lay status on 15 December 1770 and ordering the bishop of Grenoble to nullify their professions on 23 February 1771.[113]

Step-Parents: Jean-Louis Bressieux, Niccolò Lombardo, Marie-Françoise-Placide Hoverland

Adolescents thrust unwillingly into religious life in the interest of brothers destined to inherit and sisters selected for marriage—subjected, often from a very early age, to physical and psychological mistreatment by parents and favored siblings—had it hard enough. Those whose future prospects suddenly changed when a widowed parent remarried or hoped to do so were even less fortunate.

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109. Because the baptism books of the family's parish church had been burned during the second Spanish attack on Chambéry in 1742, her date of birth (November 1739) had to be established through witnesses' recollections.

110. Pos. 1153, *Summarium,* A7r-8r (testimony of Antoine Beauregard).

111. Ibid., A5r (testimony of Antoine Beauregard).

112. Ibid., B5r (testimony of Soeur Marie-Jérôme Jonc, 28 December 1769). Attorneys for the convent, which opposed the sisters' suit, dismissed this explanation as ridiculous. *Restrictus Responsionis Facti et Juris* ([Rome]: Bernabò 1770), A3r. Marguerite-Eugénie suffered from persistent ill health; three times she went to the hot springs at Aix-les-Bains seeking relief. *Summarium,* C5v-C6r (testimony of Marguerite-Eugénie Beauregard, February 1770).

113. LD 120: 525r; LD 121: 238r-40r; *ThR* 39: 275; *ThR* 40: 28–33; Pall 401, 418, 477.

Consider, for example, Jean-Louis Bressieux (Guillaume de Sainte-Agnès), born in Grenoble around 1635 to the noble Daniel Bressieux and Enemonde Moulin. When his mother died, his father married Susanne Bele. With his two successive wives, Daniel had fifteen children. So as to favor those born to her, Susanne persuaded him to dispose of the offspring from his first marriage. Most of the sons, after being put into military service, died; all the daughters were made nuns.[114] Daniel decided on a different destination for Jean-Louis, probably the youngest of them: a Discalced Augustinian monastery.[115] With a baptismal certificate forged by his father, the boy vested on 8 February 1649 at the illegally early age of fourteen. When the friars discovered that he was too young, they made him spend a second year as a novice, an arrangement for which his father paid a bribe. On the eve of his profession, Jean-Louis told his father and stepmother that he had taken the habit only to please them, not "out of devotion or a holy vocation." When they threatened to cut off all contact with him if he refused to profess, he did so—like many another forced religious, "with his mouth but not with his heart."[116] Years later, two confreres who frequented the Bressieux home heard Jean-Louis confront his father about the deceit he had practiced to place him in the monastery. "Therefore," he said, "on account of conscience and justice, you should not only not impede me [from seeking release] but also favor my return to the world." Daniel flatly refused. On another occasion, he and his wife told the two friars that they did not regret having forced this superfluous son into monastic life.[117]

When Daniel died in 1672, Jean-Louis set off for Rome to seek release from his vows. That attempt proved fruitless; a decade later, he tried again by petitioning the pope. Although some confreres were willing to attest that his father had forced him into the Discalced Augustinian Order, the monastery filed a countersuit. On 11 December 1683, the cardinal members of the SCC voted to reject Bressieux's petition.[118]

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114. Pos. 17 (27 November and 11 December 1683), Gratinopolitan., Bressieux, *Facti et Iuris* by Giovanni Tommaso Sabatini and Giovanni Sanio (Rome: Reverenda Camera Apostolica, 1683), A1r (testimony of Enemonde de Montaubans, n.d.).

115. A reformist group originating within the Augustinian Hermit Order in the early seventeenth century, the Discalced Augustinians soon became an independent order. Barbagallo.

116. Ibid., A1v-2r (testimony of Frère Martiale de Sainte-Françoise, 9 February 1683).

117. Ibid., A2r (testimony of Frères Claude Marcoz and Antoine Rubot, 4 May 1681).

118. PRP 8, LD 33: 382r-v. The SCC discussed the case again on 15 January 1684 but did not reconsider its previous decision. LD 34: 10r-v.

Niccolò Lombardo (Niccolò da Cammerata), born in the Sicilian diocese of Agrigento around 1688, had better luck with the SCC. In 1703, after the death of the boy's mother, Onofrio Lombardo, his father, contracted a second marriage with Flavia Palombardo. Apprehensive about how her numerous stepchildren (some still living at home) would receive her, Onofrio's new wife persuaded him to place two teenage sons in an Observant Franciscan monastery. Domenico had no objection. Though apparently willing to become a secular priest, Niccolò abhorred the idea of life as a friar. As Onofrio later admitted, he used blows, isolation from the family dinner table, imprisonment in a locked room on a diet of bread and water, and other harsh tactics to force his reluctant son into the novitiate in the order's Sciacca house, where he professed on 31 December 1707.[119] Within five years, he appealed to his ordinary, the bishop of Agrigento,[120] but apparently to no avail. By early 1716 his petition to the pope was in the hands of the SCC.[121] Presented with unanimous testimony from lay acquaintances of the petitioner's family and several confreres about his father's having exerted force and Onofrio's admission of it, the cardinals had no difficulty arriving quickly at a positive decision. On 26 March 1716 they granted Niccolò Lombardo restoration to lay status and ordered the bishop of Agrigento to issue the corresponding decree nullifying his profession.[122]

Almost four decades later, Marie-Françoise-Placide Hoverland (Marie-Bertrande), a professed nun for eighteen years, petitioned the pope for release. Born on 1 January 1719 in Condé-sur-l'Escaut, she lost her father, the noble Jacques-Erasme, when she was twelve. Wishing to remarry, her mother, who bore the same first name, decided to get her daughter out of the way. On the pretext that she could not afford to place her in a prestigious convent, she selected a house for poor young women in Valenciennes, from which her daughter escaped and made her way home. After keeping her for some time in isolation and mistreating her, the mother found another placement: the house of the Gray Sisters at Blicquy, across the border in the Austrian

119. Pos. 396 (11 and 25 January 1716), Agrigentin., Lombardo, manuscript Summarium prepared by Gualterius Sestilius, unfoliated, no. 7 (testimony of Stefano Scanelli, 22 February 1713; Laura Guagliardo, 11 February 1713; Rosa Lo Valvo, 18 February 1713; Vincenzo Scanalli, 21 February 1713); and no. 5 (deposition of Onofrio Lombardo, 13 February 1713).

120. Ibid., no. 1 (testimony of Niccolò Lombardo before the bishop's *vicario foraneo* (rural dean), Casteltermini, 21 November 1711).

121. LD 66: 4r-v (11 January 1716).

122. PRP 29, LD 66: 134v, Pall 452. Two months earlier, before receiving the transcript of testimony, the SCC ordered the bishop to proceed against Onofrio Lombardo. PRP 29; LD 66: 27v, 31v; Pall 452, 499 (25 January 1716). Information about proceedings against forcers, almost never included in SCC cause papers, may survive in episcopal archives.

Netherlands about twenty kilometers northeast of Condé.[123] There Marie-Françoise-Placide professed on 2 February 1736.[124]

Although they followed the Franciscan rule, the Gray Sisters did not observe cloister. The nuns accepted in-house nursing assignments (their main activity), paid visits, and took holidays.[125] When Marie-Françoise-Placide journeyed to Condé, she was not admitted to her natal home; on the rare occasions when her superior allowed her to go on vacation, she had to seek hospitality elsewhere.[126] In 1739 her mother married a military surgeon, Michel Giraud, who immediately reduced his stepdaughter's already meager living allowance.[127] Known to all in Condé and Blicquy as "the forced nun,"[128] Hoverland became a sort of tourist attraction. In 1737, when the royal councilor Joseph de la Tour visited Blicquy, the local curé invited him to call on "a nun made so against her will . . . whom her mother sacrificed." Time and again, especially after the death of her mother in 1745, she begged de la Tour, who since 1741 had been serving as judge in Blicquy, to help her claim for release. With the excuse that he lacked experience in such matters, he declined to assist her.[129]

In January 1753 Hoverland somehow managed to petition the pope for release. On 24 March the SCC ordered the bishop of Cambrai to investi-

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123. Many thanks to Bruce Edwards for verifying that the Treaty of Nijmegen (1678), which settled territorial matters after the Second War of Devolution, assigned Blicquy to Austria and Condé to France. Craig Harline also contributed to resolving this problem.

124. Pos. 904 (6 December 1755), Cameracen., Hoverland, *Facti* against Michel Giraud (the petitioner's stepfather) by Pietro Saccomandi ([Rome]: Bernabò, 1755), A1r; *Facti cum Summario* on behalf of Giraud by Francesco Antonio Pacchiani ([Rome]: Bernabò, 1755), A1r.

125. *ThR* 24: 69–70. One witness, a fifty-year-old single woman who had hosted Hoverland in Lille after she left the convent, inferred that she was an Ursuline. *Summarium* on behalf of Hoverland ([Rome]: Bernabò 1755), A4v-5r (testimony of Marie-Josephine L'Avillet, Lille, 27 July 1753). L'Avillet added that a man claiming to be Hoverland's father-in-law had offered her three hundred scudi to give negative testimony about the petitioner. Surely the man was Hoverland's stepfather, Giraud; the translator made the wrong choice on the word *beau-père.*

126. *Summarium,* A2v, A3r, A6r-v (testimony of Jacques-Philippe Gallex, n.d.; Marie-Augustine Valle, n.d.; Louis-Fernand Chevalier, 13 October 1753).

127. Ibid., A7r (testimony of Elisabeth Hiermand, widow of the mason Pierre-Joseph, n.d.).

128. Among the many residents of Condé who attested to the circumstances of force, a butcher's wife reported having asked Hoverland's mother, who had come into the shop to get out of the rain, why she was forcing her daughter to become a nun since she would inevitably be a bad one. The mother replied "that dead or alive, it's necessary that she enter [the convent]" (capitalized in original). Ibid., A8r (testimony of Catherine Loucheux, wife of Christophe Loquez, n.d.).

129. Ibid., A5r-6r (testimony of Joseph de la Tour, 2 October 1753). She also sought help from the director of the state regency in Lille, who believed that since more than five years had passed since her profession, no appeal against it was possible. Ibid., A6v (testimony of Louis-Fernand Chevalier, 13 October 1753). A copy of the certificate of Marie-Françoise-Placide Bouli's death on 12 July 1745 is included in *Facti cum Summario* on behalf of Michel Giraud, A3r.

gate the situation; between July and October, witnesses were interrogated in that city, Lille, and Condé.[130] The Gray Sisters of Blicquy and Hoverland's stepfather, Giraud, vigorously opposed her attempt to gain release. According to them, the majority of her witnesses, people of low social status who did not even know her, were merely relaying hearsay.[131] In fact, the nuns claimed, she had professed willingly, saying not a word either at the time or during the following seventeen years about the force and fear that, she now alleged, her mother had employed to thrust her into the convent. She had enjoyed all the privileges accorded to her convent sisters, including regular vacations.[132] For Hoverland's opponents, a good deal of money was at stake. The convent wished to retain the balance of her monastic dowry, 1,400 florins, out of which they had paid her living expenses.[133] Her stepfather must have coveted what would come to her from her father's and mother's estates if she were allowed to return to secular life. Their hopes were fulfilled. On 5 December 1755, having received no response from the petitioner's attorneys to the convent's and her stepfather's submissions, the SCC ruled against Hoverland and forbade her from appealing the negative decision.[134]

In two respects, Hoverland's situation differs from those of Bressieux and Lombardo. For one thing, no siblings populate the scene; evidently her parents had no other issue. Marie-Françoise-Placide Bouli, who was about thirty when Jacques-Erasme Hoverland died, wished to attract a new husband (with whom she may have hoped to have children) by putting her daughter out of the way. For another, the wicked second spouse of the surviving parent was a stepfather, not a stepmother. Whether Michel Giraud was in the picture at the time when Hoverland vested and professed (1735–36) is not clear. His marriage to her mother, which took place in 1739, seems to have produced no offspring. Giraud, therefore, appears to have been working solely in his own financial interest—initially by reducing his stepdaughter's living allowance and then by trying, successfully, to derail her attempt to have her profession annulled and return to her original lay status.

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130. *Summarium,* A10v (Millancourt, vicar general of Cambrai, to the SCC, 14 June 1754).

131. *Responsio* on behalf of Giraud by Francesco Antonio Pacciani ([Rome]: Bernabò, 1755); *Facti* on behalf of the convent by Cosimo Matteo Costantini ([Rome: Bernabò, 1755).

132. *Facti cum Summario* on behalf of Giraud, A1r-v (testimony of the abbess and six other nuns, 26 February 1753 [but probably 1754]).

133. Ibid.

134. PRP 68, LD 105: 438v-39r, *ThR* 24: 69–70, Pall 479.

Hypotheses about the European Family

Books and articles published many decades ago continue to shape most scholars' and students' understanding of the early modern family. Philippe Ariès's *L'enfant et la vie familiale sous l'Ancien Règime* (1960) appeared two years later in English translation with the title *Centuries of Childhood*. Drawing on a wide variety of qualitative evidence, Ariès argued that until the eighteenth century, the French had no conception of childhood. Since they realized that many of their infants would not survive, parents made little or no psychic investment in them. When a child died, his or her name was often reassigned to a subsequently born sibling. Surviving children were dressed and treated as miniature adults. The French, furthermore, did not differentiate clearly between childhood and adolescence.[135] In school, boys from five to their late teens proceeded together through a poorly organized curriculum that was not age specific. Both parents and teachers subjected children and adolescents to harsh physical and psychological discipline: "Thus a childhood prolonged into an adolescence from which it was barely distinguished was characterized by deliberate humiliation."[136]

An implicit commitment to the idea of progress pervades Ariès's portrait of childhood. Like virtually all scholars of his generation, he wished to show how far "we"—who at least in theory value our children, understand their distinctive needs, and lovingly foster their development toward adulthood—have advanced beyond our early modern ancestors. This comforting conception seems impervious to scholarly refutation. Christiane Klapisch-Zuber, for instance, has made clear that in fourteenth- and fifteenth-century Florence, naming a child after a dead relative—not infrequently a sibling—served not to blot out but to "remake" and memorialize the deceased person.[137] Taking explicit issue with Ariès, Natalie Davis has demonstrated that the French did indeed view male adolescence as a distinct life stage requiring its own ritual, performed in an autonomous institution: the youth abbey.[138] In devastating detail, Linda Pollock has demolished the evolutionary theses of Ariès and several other scholars.[139] More recently, Renato Ago has observed

135. "People had no idea of what we call adolescence, and the idea was a long time taking shape. . . . The first typical adolescent of modern times was Wagner's *Siegfried*." Ariès, 29–30.

136. Ibid., 261.

137. Klapisch-Zuber, "The Name 'Remade': The Transmission of Given Names in Florence in the Fourteenth and Fifteenth Centuries" (1980), in Klapisch-Zuber, 283–309.

138. N. Z. Davis, "The Reasons of Misrule," 107–09.

139. Pollock, *Forgotten Children;* summarized in Pollock, "Parent-Child Relations." See also Mitterauer, 14–15.

that trying to construct a chronology of parental love makes little sense, and Thomas Kuehn has referred to the idea of "a new, more modern sense of childhood" as "that stale issue."[140] All in vain: Ariès's views continue to be purveyed as authoritative in historical works and literary studies aimed at both general and scholarly audiences.

On two counts central to his argument, Ariès was dead wrong. As innumerable verbal and pictorial representations of male and female life stages show, early modern adults did indeed distinguish between infancy, childhood, adolescence, and subsequent phases.[141] Abundant evidence from proceedings in appeals against forced monastic vows, paralleled in other sources, reveals a clear conception of adolescence in particular. Elders realized that when males reached their midteens, their career paths had to be determined.[142] Settling females was an even more urgent matter. Since the onset of puberty rendered them vulnerable to seduction, which would entail serious damage to their and their families' honor, they had to be put out of harm's way either in marriage or behind convent walls. Deliberations by canon lawyers and ecclesiastical judges, examined in detail in chapter 5, involved serious consideration of the degree to which adolescents could be expected to withstand pressure aimed at bending their wills. Ariès also erred in positing a dramatic change in the emotional temperature of family life toward the end of the early modern period. My cases from France, his area of operation, and elsewhere show exactly the opposite of what he found: during the eighteenth century, no discernible shift toward more "modern" attitudes occurred.

From several directions, social scientists and historians in the 1960s began to explore the composition of the early modern family. In 1964 E. A. Wrigley founded the Cambridge Group for the History of Population and Social Structure. It immediately attracted participants who would eventually become famous: among them, Jack Goody, John Hajnal, and Peter Laslett. A pathbreaking essay by Hajnal published the following year set forth a distinctive European marriage pattern: west of a line running from St. Petersburg to Trieste, a considerable proportion of both men and women never married, and those who did married late.[143] Unlike Ariès, members of the Cambridge Group worked with sources that could be treated quantitatively. Paying close attention to geography and class and attending to change over time, they analyzed the respective ages of men and women entering into marriage,

140. Ago, 322; Kuehn, *Illegitimacy,* 115.
141. See Seidel Menchi, "The Girl and the Hourglass."
142. Ago, 296–306.
143. Hajnal.

the number of children born to them, the numbers and identities of family members living under one roof, and the proportion of the population that never married. They sought to answer two questions. When and where did various types of the "extended" family, comprising members from more than two generations, give way to the "nuclear" family: husband, wife, and their offspring? Should "households" be considered as including both relatives (by blood and marriage) and servants?

Scholars affiliated with the Cambridge Group have been charged unfairly with ignoring the emotional aspects of family life. Given the nature of their sources and the agendas they pursued, it is hardly surprising that they did not consider interpersonal relations. A more cogent objection to the Cambridge Group's approach centers on the "snapshot" quality of their findings. Considered over its lifetime, as many scholars have pointed out, a family "extended" at one point became "nuclear" at another. They erred, furthermore, in assuming that "family" and "household" are synonymous. In fact, kin who did not live under the same roof often maintained close contact, operating jointly in matters concerning the lineage as well as in economic and political endeavors. Criticism about positing linear, irreversible movement toward the nuclear family has been levied against historians not associated with the Cambridge Group—for example, Richard Goldthwaite, who claimed to find the "nuclear" family firmly in place among the elite in fifteenth-century Florence.[144] Francis William Kent and Dale V. Kent, among others, have shown that this characterization is neither accurate nor useful. Far from being isolated in the cocoon of their nuclear families, Florentines in the fifteenth century had close relations not only with kin outside the household but also with unrelated significant others: servants, neighbors, patrons, clients.[145]

At least as enduringly influential as Ariès's *Centuries of Childhood* and even more relevant here is Lawrence Stone's *The Family, Sex and Marriage in England, 1500–1800* (1977). Using qualitative evidence yielding what he termed "selective case studies," he "attempt[ed] to chart and document, to analyse and explain, some massive shifts in value systems," namely, the decline of "the restricted patriarchal nuclear family" and the rise of "the closed domesticated nuclear family." The former, which held sway from about 1530 until the early eighteenth century, featured distant relationships between parents and children, deference of wives and children toward their husbands and

144. Goldthwaite.
145. F. W. Kent; D. V. Kent; D. V. Kent and F. W. Kent.

fathers, and uncontested domination of the patriarch within the family. The "closed domesticated nuclear family," securely in place among the upper and middle classes in England by 1750, was characterized by what Stone called "affective individualism." Relationships among family members became less formal, more affectionate, and more egalitarian; the patriarch no longer perched in distant splendor as absolute ruler of the roost.[146]

Soon after the appearance of *The Family, Sex and Marriage in England,* an astute reviewer, E. P. Thompson, observed that this was "a very odd book," "a curious hit-or-miss affair." Stone, he charged, blithely assumed that "there can be such a thing as a history of *the* family," by which he clearly meant the upper-class family. In fact, there were "many different familial modes." Had Stone looked for and exploited other kinds of sources, he would have discovered that lower-class families have histories, too. Stone's study, Thompson concluded, allowed readers to "feel . . . complacent about their own modernity."[147] Not only, I would add, did Stone neglect differences in class. He also assumed—wrongly, as we have seen, that all families were of the same type: a married couple and their children.

That comforting sense of progress toward the kinder, gentler, obviously better contemporary family may account in part for almost universal acceptance of Stone's findings, which like Ariès's have been uncritically extended far beyond the national context about which he wrote to all of early modern Europe. Stone's mesmerizing style surely constitutes another reason for enduring acceptance of the book. Swept along by compelling exemplary stories about individual families, sets of characters who reappear throughout the book, readers may well find it difficult to question the interpretive framework that these accounts are intended to support.

Petitions for release from monastic vows do not confirm Stone's hypothesis, generalized by others to all of Western Europe, about the evolution of relationships within the family from patriarchal, distant, and harsh toward egalitarian, close, and affectionate. Since no petitions to the SCC came from Protestant England, my evidence does not bear on the issue of whether his characterization of changes in the English situation is accurate. Beyond a shadow of a doubt, however, it shows that uncritical application of Stone's hypothesis to Catholic Europe is badly mistaken. By their own lights, though not by ours, early modern Catholic parents may

146. Stone, introduced on 1–18; quotations from 17, 3, 7, 9.

147. Thompson. For a critique seconding Thompson's criticisms and identifying many other shortcomings of Stone's book, see Macfarlane.

indeed have been "affectionate" in determining what they deemed best for all their offspring and then seeing to it that each one of them fulfilled parental plans.[148]

In his study of the Italian family from the fifteenth to the twentieth century (1984), the sociologist Marzio Barbagli employed a more promising strategy for demonstrating shifts in relationships between spouses and between parents and their offspring. Having gathered a large number of manuscript and printed letters, he analyzed them to identify changes in allocutives: pronouns and terms of relationship used in addressing others.[149] Because Barbagli's important findings have attracted little attention outside the restricted circle of scholars who study Italy, reproducing his schematic presentation of them here may be useful.

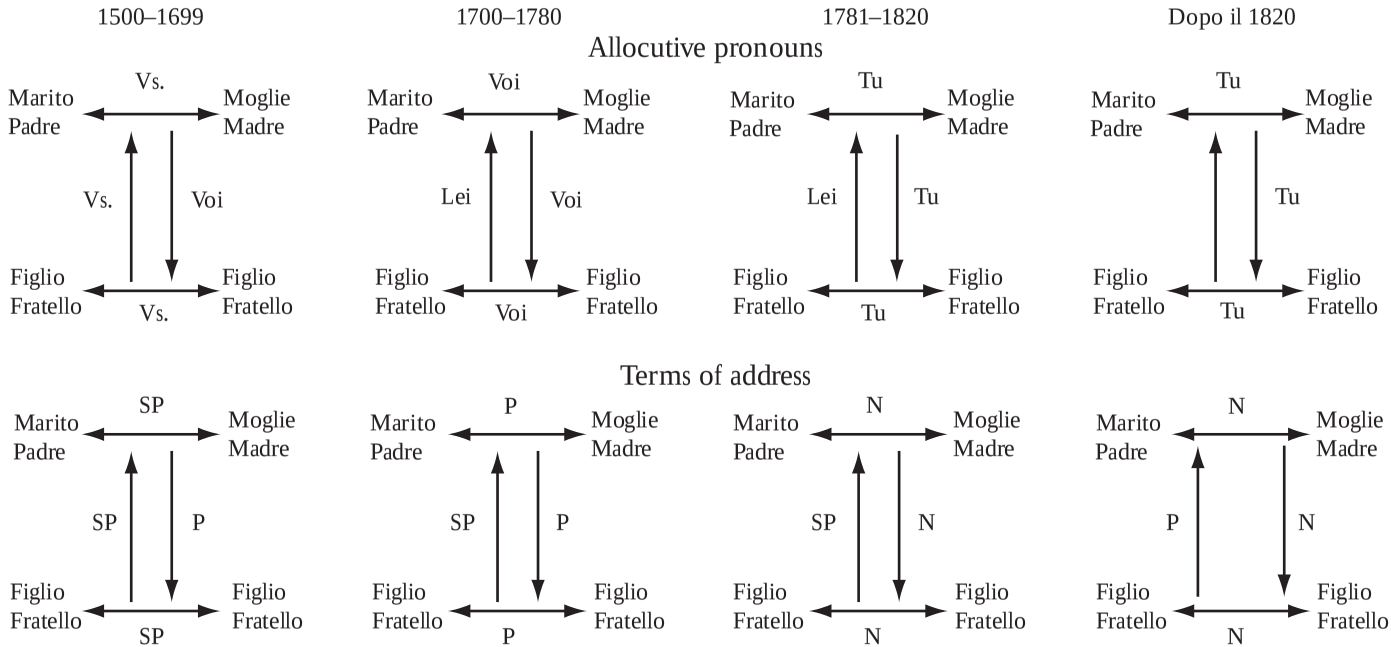
As this chart shows, Barbagli identified significant changes in Italian allocutives around 1700, and much larger ones in the early 1780s and after 1820. His second and third turning points occur considerably later than the ones Stone posited for England, where of course the game of pronoun usage (but not of terms of relationship and first names) is almost impossible to play. Barbagli's findings dovetail with linguistic practices recorded in the majority of my cause papers, those from Italy. In written communications and reported direct quotations, pronouns and terms of address very rarely exhibit a decisive shift toward informality.[150] If studies of allocutives similar to Barbagli's have been conducted in other linguistic regions from which significant numbers of my cases come, I have not managed to find them. In any event, data on changes in the use of allocutives would be difficult for me to apply to Spanish, Portuguese, and French cause papers, which summarize written and oral exchanges between family members ("s/he said that") rather than reproducing them directly. Attention to letters in these languages might, however, shed some light on the issue of whether relations within elite and middling families became less hierarchical and therefore presumably more intimate, as Stone claimed they did in England—and if so, when.

In conclusion, the examples of elders' attitudes and behaviors in regard to members of the younger generation presented in this chapter drive addi-

148. I am grateful to Thomas Kuehn for this observation.

149. Barbagli, 265–342 (chart on 341).

150. A rare exception is Maria Vittoria Gagnoni's mother's sarcastic remark about finding her a peasant husband (quoted above), in which she addressed her daughter as *tu*. Note, however, that this is an oral statement reported by a third party. Speech practices may well have differed from written ones.



Legend:
Vostra Signoria (Vs): Your Lordship
Ella (Vs): you (superpolite third-person singular)
Voi: you (polite second-person plural)
Signor Padre/Fratello (SP): Sir Father/Brother
Signora Madre/Sorella (SP): Madam Mother/Sister
Lei: you (polite third-person singular)
P: husband, wife, son, daughter
Tu: you (familiar second-person singular)
N: first name

CHART 1. Allocutives, or forms of address, used among members of the noble families of central and northern Italy from 1500 to 1850. Source: Barbagli, Marzio. *Sotto lo stesso tetto. Mutamenti della famiglia in Italia dal XV al XX secolo* (Bologna: Il Mulino, 1984), 341. Reproduced by permission of the author.

tional nails into the coffins of Ariès's and Stone's hypotheses. Even more, they call into question the facile extension of these hypotheses to all of Europe. With the task of demolition accomplished and Barbagli's analysis of allocutives put forward as a potentially fruitful alternative way of examining changes in the early modern family, let us turn to the operations of the SCC.

Chapter 4

Waging Law in the Congregation of the Council

Judicial sources constitute the main evidentiary base of this book. Since most readers will instinctively think in terms of law in its Anglo-American version, the very different workings of the ecclesiastical court considered here require explanation. The SCC operated on the basis of canon law, which from the twelfth century on followed the principles and practices of Roman civil law. The term *processus* applies to the entire course of legal proceedings, not just what happened in sessions of the court that adjudicated the case. Because the English translation of that word, "trial," would convey a misleading impression, I do not use it here.

Except during the investigative phase conducted on the diocesan level, during which witnesses responded to questions and statements framed by procurators and put to them by vicars general, these proceedings did not feature live courtroom encounters. Neither did witnesses' and others' furnishing *fedi* (written attestations made in the presence of notaries) on one or more points at issue. Although legal representatives performed many services for their clients, they did not appear in court to examine witnesses, challenge the contentions of opposing counsel, object to judges' rulings, and bring forward at the last moment surprise witnesses and decisive new evidence à la Perry Mason. Legal proceedings before the SCC, as well as the decisions this judicial body issued, occurred almost entirely on paper.

During their meetings, held once or twice a month on Saturday afternoons in the Quirinal Palace,[1] cardinal-members of the SCC discussed cases and made interim and final rulings. At first, unlike sentences pronounced by inquisitors and decisions of the Rota, their rulings were not "motivated," that is, they did not present the reasoning behind the conclusions judges reached. Only in the latter part of our period, from the 1740s on, did secretaries' summaries included in the Libri Decretorum (LD) begin to provide such explanation. In other words, from the point of view of judgments, the records render at best some elements of a closet drama.

Filing for Release

As explained earlier, the Council of Trent mandated that monks, friars, clerks regular, and nuns seeking release from monastic vows within five years of having taken them approach their ordinaries (the archbishops, patriarchs, or bishops who administered the dioceses in which they had professed) and their local monastic superiors. Many involuntary religious, especially women, knew nothing about this five-year rule. Those who were better informed usually found it impossible to initiate legal proceedings within five years. As long as relatives who had forced adolescents into monastic life were alive, the risk of thwarting their will seemed too great to contemplate. Most unwilling religious had been explicitly told what would happen if they attempted to get out. At the very least, they would be deprived forever of their families' financial and emotional support; at worst, they would be done to death by beating, stabbing, shooting, or poisoning. Even when they were not threatened in such ways, young people's ingrained deference toward their elders—in legal language, "reverential fear"—posed a powerful disincentive to opposing them.

So did the attitude of their monastic brothers and sisters. Although discontented, disobedient inmates disturbed communal life in monasteries and convents, their efforts to leave constituted a clear challenge to the vaunted superiority, widely accepted by religious and lay folk alike, of life "in religion." Superiors and fellow members dissuaded them from departing by evoking the unfavorable publicity and dishonor that would inevitably ensue for all concerned. To cite a particularly explicit articulation of this view, one

1. On the Quirinal Palace, where from the early seventeenth century on most papal business was conducted, see Menniti Ippolito. No evidence I have come across supports his assertion (152) that the SCC met also on Thursdays at the residence of the dean (senior member) of the College of Cardinals.

nun stated that Teresa Livia Felice Pallavicini's leaving the Franciscan Tertiary house of San Bernardino ai Monti in Rome "would redound to the dishonor of our convent and all us other nuns, and I think that it could not profit the soul of Suor Maria Costanza [Pallavicini's name in religion]." Two others expressed similar sentiments.[2]

By the time the agent or agents of involuntary monachization had died, or had belatedly repented and withdrawn their opposition to the victims' leaving monastic life, the five-year opportunity for seeking legal relief on the diocesan level had almost always expired. At this point, the only available alternative was to petition the pope for *restitutio in integrum* in the hope that he would deign to delegate the matter to a competent forum, usually the SCC. In only one case I have examined—that of Anna Antonia Ciera (Prudenza Eletta), a Dominican nun in Padua—might such a petition, couched in the first person, have been written by the supplicant herself.[3] Normally, a petitioner engaged the services of a procurator: a local expert in the law, either an attorney holding a university degree or more likely a notary with legal training. Using the local vernacular and the third person, the procurator drafted the petition and sent it to Rome.

Having received a petition forwarded by the pope, the SCC decided whether to pursue the matter. In some fragmentary cases, the cardinal-members appear to have taken no further action. Usually, they instructed the ordinary of the diocese from which the petition came to explore the petitioner's contentions by conducting an investigation. Occasionally, as several examples show, he was unwilling or unable to do so, necessitating the SCC's delegating the investigation to the ordinary of another diocese. Since Alfonso Pacelli, bishop of Muro Lucano, was the maternal uncle of the petitioner Lucrezia Filomia (Angelica) and had concurred in her and her sister's forced monachization,[4] he had to recuse himself from the case. The SCC delegated it to the presumably neutral bishop of San Angelo dei Lombardi, Giovanni Battista Nepita, who dispatched his brother to Muro

2. Pos. 448 (11 January 1721), Romana, Pallavicini, *Restrictus testium formiter examinatorum* ([Rome]: Zinghi & Monaldi, 1720), 31 (testimony of Suor Maria Virginia Ansidei, 22 May 1720). Two other nuns expressed the same opinion: ibid., 15, 32 (testimony of Abbess Maria Serafina Caroli, who emphasized that such a thing had never before happened at San Bernardino, 6 May 1720; and Suor Teresa Diomira Bambini, 25 May 1720). All three were responding to a question posed by attorneys for the opponents of Pallavicini's petition for release, which included the convent.

3. Pos. 380 (23 June *pars* 2 and 7 July 1714), petition to SCER, n.d. (received on 26 March 1711). All surviving petitions are copies, not originals; none bears a signature, almost none a date.

4. Pos. 2 (29 November and 20 December 1681), Muran., Filomia, *Facti et Summarium* (Rome: Reverenda Camera Apostolica, 1681), introduction by Paolo Chiaramonti, A1v.

Lucano, some distance away, to handle the matter.[5] In the case of Maria Vittoria Gagnoni (Maria Fidaura), it appears that the ordinary, a relative of her mother, was too elderly and too biased toward her relatives to handle the case fairly; therefore it was immediately delegated to the bishop of Chiusi.[6] On two grounds, Cardinal Bishop Giorgio Corner of Padua declined to conduct an investigation in the case of Anna Antonia Ciera. He knew nothing, said he, about her alleged forced monachization, which had occurred during his predecessor's tenure; and since the rulers of Venice forbade nuns from appealing to Rome without first obtaining governmental permission, his hands were tied.

Not infrequently, cases involved more than one diocese. These might include the one in which petitioners had professed, one or more others where they had lived as religious, their current residences, and possibly (if they had not professed close to home) their birthplaces. In three instances, nuns from dioceses in the Republic of Venice fled to other polities—the Duchy of Mantua and the Papal States' second city, Bologna—that did not pose crippling obstacles to seeking annulment of their vows. Investigations of their situations, therefore, had to be conducted in both dioceses.[7] The case of Pietro Cicchi involved two dioceses much farther apart. Cicchi, a native of Diecimo in the Tuscan diocese of Lucca, had entered the Reformed Franciscan Order at Larino in Puglia. His petition centered on the allegation that, unwittingly presenting the baptismal certificate of a short-lived elder brother with the same first name, he had professed prematurely. Since the bishop of Larino could shed no light on this matter, the investigation was repeatedly delegated to the bishop of Lucca. Proceedings dragged on for two decades before Cicchi was finally granted release in 1727.[8]

An even more bizarre set of circumstances may be seen in the protracted, complex case of Marzio Alonya. These involved not only multiple cities (Naples, Cosenza, Mantua, and Venice) but also three monastic orders; representatives of the orders, not ordinaries, communicated with the SCC. After

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5. PRP 8; LD 31: 336r; Pos. 2, unfoliated loose sheet (Giovanni Battista Nepita to the SCC, 29 May 1681).

6. One report from Bishop Lucio Borghese of Chiusi to the SCC implied that Antonio Cervini, bishop of Montepulciano, was oblivious to the force and fear exerted on Maria Vittoria. Pos. 186 (9 August *pars* 2 and 30 August 1678), Montis Politiani, Gagnoni, loose sheet, 13 September 1693. Another conveyed directly the petitioner's belief that as a relative of her mother, Bishop Cervini was biased toward the forcers. Ibid., loose sheet, 28 November 1693.

7. For more extensive treatment of the cases of Maddalena Bassi, Maddalena Farner, and Anna Antonia Ciera, see chapter 7.

8. Pos. 519 (11 January 1727 *pars* 1), Larinen., Cicchi; LD 71: 73r and 77: 2rv. For further details on Cicchi, see chapter 7.

twenty years as a Jesuit, Alonya and his order entered on a collision course. What their differences were the documents do not specify, but in the early 1690s the Holy See granted his request to transfer to the Lateran Canons Regular in Naples. After a troubled novitiate, he professed in October 1693. Within a few months, already at odds with his new order, he petitioned for and received from the SCC a decree annulling this second profession. Five years later, after wandering around Italy and celebrating Mass without permission, Alonya came before the SCC again seeking permission to transfer to the house of the Constantinians in Venice, a group with such a low profile that the SCC had to ask the nuncio in Venice to provide information about it. He explained that its official name was the Military Order of San Giorgio di Parma and that it had been officially sanctioned by the papacy in 1676. Whether Alonya ever obtained permission to enter it remains uncertain. The record of his case peters out after 20 March 1700, when the SCC ordered him to put on his religious habit and return to an unspecified monastery.[9]

The Diocesan Investigation

In more usual circumstances, when an ordinary complied with the SCC's order, he asked the petitioner's procurator to furnish a list of witnesses who should be examined and to draft a battery of questions to be put to them. If members of the supplicant's family and/or religious house opted to contest the petition, one or more procurators representing the opposing side(s) were ordered to do the same. Rarely did the ordinary himself conduct the investigation. That task fell to his vicar general, who interrogated lay and male religious witnesses in the episcopal curia and nuns at the grate in their convent parlors and received notarized depositions.

As well as designating witnesses to be examined, local attorneys acting on behalf of petitioners and those representing opponents to petitioners' requests framed questions to be asked by the vicar general. Let us take a close look at one of the few cases in which sets of questions from two opposing sides and witnesses' responses can be examined directly. Since the cause papers regarding the Servite friar Francesco Alessandro Castellazzo (Alessandro Maria) contain no printed material and only one attorney's brief, it is unnecessary to weed through legal professionals' processing of material and

9. LD 43: 300v; 44: 42r, 209r–20r, 259v, 285v, 315v–16r; Pos. 201 (28 September *pars* 2 and 12 December 1699), Constantin (the name of the order, not a diocese), Alonya. On the Constantinians, still in existence, see Rocca.

infer conjecturally what was asked and how witnesses answered. This case may suggest the procedure followed in others.[10]

Francesco, natural son of the Milanese noble Alessandro Maria Serponti and Angela Castellazzo,[11] vested in the Servite house of Milan in 1691—under pressure, he claimed, from his father and the father's cousin Antonio Airoldi, a canon of the cathedral. After serving his novitiate, he took his vows. In 1696, within five years of professing, he claimed release from his ordinary but did not obtain it.[12] Eight years later, after the deaths of his father and Canon Airoldi, he appealed to the pope. On 19 April 1704, the SCC ordered the archbishop of Milan, Giuseppe Archinto, to conduct an investigation, a task subdelegated as usual to his vicar general.[13]

At some point shortly before 12 June, Castellazzo's procurator presented a short list of *articuli:* statements about the petitioner and the circumstances of the involuntary monachization he was claiming. First, he had been forced to vest. Second, during his novitiate he had continually protested against having been forced into the monastery and declared his intention to petition for *nullitas professionis.* Third, after his profession, he had continued to protest. Fourth, since he was "of a very timid nature" he was "unable to resist any sort of threat." The procurator named four witnesses to be examined on these statements: a servant, a barber, and two Servite friars.[14]

Two weeks later, the prior and friars of Castellazzo's monastery announced their intention to file a countersuit. In addition to naming a third Servite friar who should be examined, the opposing side's counsel presented fourteen *capituli,* most of them in the form of questions to be put to all five witnesses. The first three aimed at establishing the witness's identity, interactions if any with the law, religious behavior, reasons for appearing in court, and ability to remember past events. After being reminded of the importance of his oath to tell the truth, he was asked to provide his surname, father's name, place of birth, age, line of work, and financial status, including details on the source(s)

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10. Pos. 279 (8 June 1705), Mediolanen., Castellazzo. In his undated manuscript Memoriale Additionale, the attorney Giovanni Battista Bondocco referred to a *summarium* that is not to be found in Castellazzo's dossier.

11. According to one witness, the unmarried Serponti put his son in monastic life in order to channel his entire inheritance to his brother, Valeriano Serponti. Ibid., unpaginated, testimony of Giovanni Faver, 26 November 1704. The sole reference to Angela Castellazzo, who was probably dead by the time of the proceedings before the SCC, is in *DSCC,* 364. That this bastard bore his mother's rather than his father's surname is unusual.

12. The cause papers contain only a passing mention of episcopal proceedings in 1696.

13. PRP 17 (18 April 1704).

14. Pos. 279, loose sheets. The terms *articuli* and *capituli* seem to have been interchangeable, not specific to petitioners' and opponents' batteries of questions, respectively.

of his income. Had he ever been tried, investigated, sued, jailed, banished, or excommunicated? If so, when and for what reason; and was he condemned or absolved? Did he confess and take communion regularly? Had he done so last Easter? Did he frequent taverns, and did he ever get drunk? Did he take God's or the saints' names in vain—habitually, or occasionally and inadvertently? Had anyone solicited his appearance in court? When, how many times, and in whose behalf? Had he been instructed what to say? If so, who was present when such instructions were given? Was his memory good or bad, and how far back into the past did it extend?[15]

Questions five and six probed each witness's acquaintance with Castellazzo and knowledge about the case. Did he know the parties in the suit, in particular the petitioner, and if so for how long? Was he related to Francesco Antonio by blood, marriage, or some spiritual bond (godparenthood, for instance)? Did either of them owe the other money? Did he know what was at issue in these proceedings and how important it was? Had he seen or been told about either or both sets of questions on which he was to be examined? Was he testifying at the behest of someone directly involved in the proceedings, and had that person given or promised him money or favors for doing so? In responding to all the questions, the witness was required to specify the circumstances: when, where, how often, and in the presence of whom.[16]

The next seven questions focused directly on the circumstances in which Castellazzo had become a friar. How old was he? What was his secular name? Where had he lived before vesting? Was he "a bold and spirited young man, or timid and cowardly"? Did he take the habit of his own free will? If not, when, where, and how was he forced to do so? After entering the monastery, did he accommodate himself to its rules and constitutions or demonstrate aversion to following them? Had the witness talked with Castellazzo during his novitiate and, if so, about what? Did he profess willingly? If not, who made him do so? When, where, and by what means was force and fear exerted on him? Did the witness talk with him about this compulsion, and what did he say? Finally (question 14), could the witness furnish names of others who could testify to these circumstances?[17]

Once the investigation had been completed, sometimes several years after it had begun but in Castellazzo's case only four months later, the ordinary forwarded the transcript to the SCC. In his cover letter, he usually stated his opinion about the merits or defects of the petitioner's case.

15. Ibid.
16. Ibid.
17. Ibid.

Whether Archbishop Archinto expressed his view of Castellazzo's situation is uncertain; no letter from him is to be found in the cause papers.

On the arrival of a dossier in Rome and its delivery to the SCC (or occasionally to another judicial body), a new set of experts appeared on the scene. Some poverty-stricken petitioners, accorded the privilege of having their cases heard ex officio and *economice*—that is, by the secretary alone, without the need to spend money on lawyers—obtained free legal counsel from two court-appointed consultors.[18] More affluent petitioners opted to engage counsel in Rome: one or more canon lawyers specializing in proceedings before ecclesiastical courts. Those assisting petitioners identified and engaged highly reputed Roman attorneys specializing in such cases. Several lawyers' names recur in many sets of cause papers over a number of years. Castellazzo's attorney, Giovanni Battista Bondocco, however, appeared in no other case of forced monachization.

That Castellazzo lost his case was probably not Bondocco's fault. In the absence of a motivation for the SCC's negative decision, issued on 6 January 1705,[19] one can only speculate about why the cardinals found the evidence presented in his support less than persuasive. The problem may well have lain in the number and social standing of the witnesses his Milanese procurator named. There were only five, an unusually small contingent in cases of this kind. Two—the forty-eight-year-old servant Giovanni Faver, born in Lecco and currently unemployed; and the forty-year-old barber-surgeon Giovanni Antonio Castello, a native of Codogno (near Lodi), who had immigrated to Milan many years earlier—had long been acquainted with the petitioner, his deceased forcers, and many prominent people in Milan directly or indirectly involved in the case. The testimony they furnished, which amply confirmed Castellazzo's allegation that he had been forced into religious life, concurred with the less-detailed information elicited from three Servite friars: Marco Marescalco, David Cattaneo, and Benedetto Pusterla. Yet the judges probably did not consider the two humble laymen to be fully credible witnesses. In order to reach a favorable decision, they no doubt felt the need for more witnesses of higher social status.

A Roman Attorney: Domenico Ursaya

Among the names of the many Roman attorneys who represented clients seeking release from their monastic vows, Domenico Ursaya's appears most

18. Del Re, *La Curia Romana,* 155.
19. PRP 18; LD 55: 207r; *DSCC,* 64.

frequently. Between 1696 and the mid-1730s, either as a sole practitioner or as head of a legal team, he was hired to handle all or some stages of twenty-two proceedings for *restitutio in integrum* before the SCC,[20] as well as a number of related matters adjudicated by the SCC and the SCER.[21] Printed sources contain scant information about Ursaya, but archival material makes it possible to construct an outline of his career. Born around 1660 in Bosco, a small town southeast of Salerno, he studied at the University of Rome—known then and now as La Sapienza—and taught law there for almost thirty years. In late 1698 or early 1699 he petitioned Pope Innocent XII for appointment to the faculty. Giving his age as thirty-eight, he listed his qualifications for the post: degrees in civil and canon law, philosophy, and theology; extensive experience as a practicing attorney, "not without praise from the [papal] Curia"; knowledge of mathematics, geography, and languages (including Hebrew); one publication and another forthcoming.[22] On 13 January 1699 he got the job.[23]

From then until 1728, Ursaya taught civil and criminal law at La Sapienza. Like most of the other professors on the faculty (a total of thirty-six), he offered two courses per year. In the academic year 1719–20, when he was named first reader in canon law, his teaching responsibilities shifted toward that subject. As advancing age and illness began to take their toll, he arranged for the appointment of his son Pompeo as a supernumerary (presumably unpaid) member of the faculty; beginning in 1728–29, Pompeo took over his courses.[24] On 2 September 1730 Ursaya petitioned for the

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20. Ursaya handled cases before the SCC for the following petitioners: Marcantonio Incisa, Giuseppe Leggio, Johann Baptist Lerchenfeld, Alfonso Cittadelli, Francesco Bailo, Domenico Maragliano, Giuseppe Calisto, Cristoforo Raffaeli, Niccolò Oddi, Jacopo Baldassini, Pedro Serrano, Bernardino Provezzo, Maddalena Farner, Costanza Vittoria Gentili, Girolama Falzon, Maria Ana de Sosa Fagundes, Adrienne Garnier, Angela Maria Rosa Bielati, Gabrielle-Françoise Thiery, Margherita d'Austria, Teresa Livia Felice Pallavicini, and María del Prado Arellano.

21. The first of these involved the late Agnese de Sangro, an *educanda* in a Franciscan Tertiary house in Naples. Two days before her demise on 4 July 1695, the nuns pressured the mortally ill girl into vesting and professing. On 14 May 1705 the SCC declared her profession null, thereby foiling the nuns' belated attempt to collect her dowry from a fund established to benefit female members of her family. PRP 18; LD 55: 73rv; *DSCC,* 326–27; Urs D 2.2: 267–69. In the second, from around 1720, Ignatius Hertzmanski, a Lateran Canon in Olomouc, sought papal permission to transfer to the secular priesthood; he did not, however, request annulment of his monastic vows. Ibid., 4.2: 171–74. Petitioners represented by Ursaya before the SCER include Caterina Perez of Cosenza (1705–06) and Costantino Casoli, a Barnabite of Palestrina (1717). Ibid., 8: 243–46; 3.1: 47–49.

22. ASR, Università, b. 90, Lettori (concorsi ed elezioni), 2: 376r: Ursaya's petition to Innocent XII requesting appointment to the faculty of La Sapienza (n.d., late 1698 or early 1699).

23. Ibid., 377v.

24. ASR, Università, b. 213, Ruoli dei lettori, 73–142; *I maestri della Sapienza di Roma* 2: 890. Pompeo's effort to remain on the faculty, which involved a lawsuit, was ultimately unsuccessful.

status of *iubilatus* (emeritus), which was granted the following March.[25] Since his name last appears on the rolls in the academic year 1734–35,[26] he presumably died before the fall of 1735.

Domenico Ursaya published extensively on a variety of subjects, ranging from matrimonial to criminal law.[27] Two of his works are relevant to this book: a nine-volume digest of his legal work, *Disceptationes ecclesiasticae* (1716–36),[28] and a two-volume supplement to it, *Miscellaneum sacrum et profanum, canonicum et civile* (1726–33), prepared by his son Pompeo.[29] His reputation among the few historians of law who mention him is negligible. He was, they assert, a mere practitioner of the law, not a contributor to the development of legal theory. (Since lawyers gained much more prestige and money from practicing law than from teaching it, this is hardly surprising.) His widely criticized attempt to ensure that Pompeo inherited his university chair, they tartly observe, was quite properly thwarted by Pope Benedict XIV.[30] Those advising clients wishing to gain release from monastic vows, on the other hand, clearly held Ursaya in great esteem. The briefs he submitted to the SCC, reproduced in *Disceptationes ecclesiasticae* and *Miscellaneum sacrum et profanum,* shed light on how he went about representing his clients.

In their written presentations (discussed in the next section), Ursaya and other Roman attorneys buttressed their analysis of the "facts" of each case with references to several types of sources. Occasionally, they cited canon law from Gratian's *Decretum* and later compilations. Much more often, they drew on treatises by a large number of sixteenth-, seventeenth-, and eighteenth-century authorities on canon law and theology. Among the authors they most frequently cited were the Canon Regular Martín de Azpilcueta ("Doctor

25. Università, b. 90, 478r, 482r-83r.

26. Università, b. 213, 134.

27. The BAV holds thirteen of his publications.

28. The first five volumes of *Disceptationes ecclesiasticae* were issued in Rome by various publishers between 1716 and 1723 and in Venice by Baglioni in 1724; references in http://www.faculty.virginia/monhell are to the Venetian edition. Vols. 6–9 were published in Venice by Baglioni between 1728 and 1736. According to a loose handwritten sheet (undated and unsigned) in the BAV copy of *Disceptationes* 9, this and a tenth volume of his collection had awaited publication for four years, that is, since about 1732. When the SCER objected to some "overly free phrases" in vol. 10, he (or more likely his son Pompeo) abandoned the effort to publish it and relocated one item at the end of vol. 9 (1–25, concerning María del Prado Avellano).

29. *Miscellaneum sacrum et profanum,* listed in the BAV and CUA card catalogues under the name of Domenico Ursaya, was in fact the work of Pompeo, his son, who stated that at the request of his elderly and ill father, he had assumed responsibility for preparing an index to vols. 7–8 of the *Disceptationes.* Urs P 2: i.

30. See Renazzi, 4.1: 85. Two other writers merely repeated Renazzi's dismissive judgment: Moroni, 85: 66; Di Simone, 84, 210.

Navarrus," ca. 1493–1586), Giacomo Menocchio (1532–1607), the Jesuit Francisco Suárez (1548–1617), the Jesuit Fernán Castro Palau (c. 1583–1633), the Theatine Antonino Diana (1585–1663), Prospero Fagnani Bono (1588–1678), Agostinho Barbosa (1590–1649), the Dominican Pietro Maria Passerini (1596–1677), Cardinal Giovanni Battista De Luca (1614–83), Giacomo Pignatelli (1625–98), the Observant Franciscan Anaklet Reiffenstuel (1641–1703), and the Jesuit Franz Xavier Schmalzgrüber (1663–1735).[31] A treatise by the Jesuit Tomás Sánchez (1550–1610)—the *Disputationes de sancti matrimonii sacramento libri tres,* first published in Madrid in 1605 and reissued many times up to 1754—stands near the top of the list of works most often cited. The prominence of this work on matrimony may seem surprising, but as we shall see in the next chapter, marriage and monastic profession bore a close resemblance.

Finally, attorneys adduced decisions reached in previous cases adjudicated by the Rota, the SCC, and on occasion the SCER. Long before 1739, when summaries of SCC cases began to be made available in print in the *Thesaurus resolutionum,* they utilized the Libri Decretorum. These comprised individual printed gatherings issued after each meeting, which the SCC's staff assembled into annual bound volumes containing handwritten notes and supplements.[32] Since attorneys cited the Libri Decretorum by volume and page number, it seems likely that they enjoyed the privilege of admission to the SCC's headquarters in the Quirinal Palace, the only place where they could have consulted them systematically.

Presentations to the SCC: Domenico Ursaya and the Case of Margherita d'Austria

As we have seen, Roman attorneys who represented religious seeking release from their vows never made oral arguments before the SCC. Instead, they submitted several types of written presentations: summaries of testimony taken during investigations conducted on the diocesan level, arguments about the facts and the law, and rebuttals to opposing attorneys' arguments. In the late seventeenth century, some of these were furnished in manuscript.

31. Capsule biographies of these writers may be found in vol. 3 of Schulte.

32. ASV, Congr. Concilio, Miscellanea, Codices Externi contain some bound volumes of decrees covering portions of more than one year, which must have been assembled by persons other than the secretary of the SCC. In addition, the *ThR* reproduce verbatim not only the decrees but also extensive quotations from submissions by petitioners' attorneys. Clearly, printed materials generated by and directed to the SCC could be put to uses beyond the compilation of the Libri Decretorum maintained in-house.

Undoubtedly because, in theory, many members of the Congregation needed simultaneously to consult these materials,[33] the SCC soon began to require that they be submitted in printed form.[34] At any given time, a single press, which apparently had an exclusive contract for performing such work, produced these publications: in the early years, the in-house Reverenda Camera Apostolica, responsible for most papal documents; later on, a succession of other designated publishers.

Attorneys always submitted their legal briefs in Latin, the language of the law,[35] and affixed their names to them. Although they had to exercise ingenuity in devising persuasive arguments and marshaling supporting evidence, all seasoned lawyers were familiar with the standard ways of presenting them. Preparing summaries of evidence taken during investigations on the diocesan level, for which they did not take authorial credit, posed a greater challenge. Not only did attorneys need to decide whether to organize this material chronologically, as it had been gathered in the episcopal court, or (a more frequent choice) to reorganize it topically. When they handled cases originating outside Italy, they also had to arrange for translation of diocesan proceedings recorded in the vernacular of the region. Perhaps in order to approximate the original flavor of testimony, the language used for translation was Italian—by no coincidence, the mother tongue of most cardinals on the SCC. Scattered evidence indicates that attorneys took care to hire experienced translators holding credentials from another Roman congregation or court.[36]

Publications issued by Domenico Ursaya between 1715 and 1717 regarding Margherita d'Austria (Olimpia) offer a good example of an attorney at work before the SCC in a case of forced monachization. Born on 27 May 1676 to members of the Mantuan nobility, Giberto d'Austria, count of

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33. See below.

34. This requirement was issued in 1677. Cappello. It was not routinely met until the eighteenth century.

35. The dossier concerning Teresa Pallavicini contains a presentation in Italian supporting the countersuit brought by Maria Gerolama Arnaldi, who was contesting Pallavicini's claim to the estate of her father, Niccolò Maria Pallavicini. The author, Arnaldi's son Tommaso, was not an attorney. Pos. 448 (11 January 1721), Romana, Pallavicini. A full discussion of this case is in chapter 3.

36. For two among many possible examples, see the cause papers relating to Eugénie-Marguerite and Anne-Maria Beauregard, Benedictine nuns in Chambéry (diocese of Grenoble), whose case was considered by the SCC in 1769–71. They contain an affidavit by Ludovicus Fabri describing his work in rendering a French transcript into Italian and attesting that he held a translator's license from the Rota. Pos. 1153 (27 February 1771 *pars* 1), Gratianopolitan., unfoliated manuscript leaf preceding manuscript of Italian translation. Another translator for the Rota, Felix Paziani, attested to his work on a Portuguese transcript. Pos. 1525 (20 April *pars* 1 1793), Bracharen., Rebello, *Summarium* for Rebello (Rome: Lazzarini, 1788), B11r (466v of the continuously paginated cause papers).

Viadana, and Countess Barbara Bagni, Margherita had two elder siblings, Edoardo and Isabella. In December 1676, for reasons unstated in the cause papers, her father murdered her mother.[37] Lacking a male heir (Edoardo had evidently died young), Giberto soon remarried and sired three more children, a son and two daughters. The birth of their stepbrother, Camillo, sealed the destinies of Isabella and Margherita, Giberto's daughters from his first marriage. Until the death of their maternal grandmother, they had lived with her in Viadana. Their father then took them to Mantua to make them nuns. His purpose was evident: before professing, they would have to renounce all claims to their late mother's dowry of ninety thousand scudi, which would become available to fatten Camillo's inheritance.[38] Whether Isabella voluntarily entered the convent of Sant'Orsola is unclear. To force Margherita, who wished to marry,[39] into the Benedictine convent of San Giovanni Evangelista, Giberto locked her up in a windowless room. Armed with a pistol, a dagger, and a heavy candlestick, he visited her frequently at night in order to inform her that she had only two alternatives: monachization or death at his hands. When the Duke of Mantua remonstrated with him about forcing his daughter, a witness recalled, he retorted "that His Highness was the master of his state, but he, Don Giberto, was the master of his children."[40]

In 1693 or 1694, when she was seventeen, Margherita unwillingly professed in San Giovanni Evangelista. Because her father continued to intimidate her, filing for release with her ordinary within five years was out of the question. After Giberto's death in 1707, two other fear-inspiring relatives intent on her staying in the convent stood in her way: her stepbrother, Camillo, who died in October 1711 after a long period of madness; and her paternal aunt Giovanna Sigismonda, a nun in the same convent, who went to her eternal reward or punishment in December 1712.[41] Then and only then could Margherita petition the pope. On 9 June 1714 the SCC ordered the bishop of Mantua to conduct an investigation, the transcript of which

37. After attempting to dispatch Bagni with poisoned liquor, he shot her with a pistol. One witness reported having heard from his father, who had been Giberto's gardener, that this was one of more than twenty murders the count committed—a statement corroborated by several other witnesses. Pos. 407 (27 February 1717), Mantuan., Margherita d'Austria, *Summarium Testium* ([Rome]: De Comitibus, 1715), A5r-65, testimony of Jacopo Francesco Dal Bono, 10 December 1714).

38. Ibid., A6r-7v, testimony of Antonio Chiocchi, priest of Viadana, n.d.

39. On the way to her vestition, according to one witness, Margherita fainted when she caught sight of her suitor. Ibid., A9v-10v, testimony of Alessandro Tassanello, n.d.

40. Ibid., B4r-5r, testimony of Sister Giulia Guerrini, 14 January 1715.

41. *Summarium* ([Rome]: De Comitibus, 1715, unpaginated. One witness called Camillo and Giovanna Sigismonda "two scoundrels from hell" (*due tizzoni d'inferno*). Ibid., B8r.

he sent to Rome on 25 April 1715.[42] As soon as proceedings began, Margherita's married stepsisters, Anna d'Austria Arrivabene and Teresa d'Austria Sessi, filed a countersuit, which they did not drop after 7 December 1715, when the SCC decided in favor of the petitioner's release from her vows.[43] Initially, Filippo Boschetti and Ferdinando Beltrami represented Margherita in Rome.[44] No later than 1716, Ursaya joined or more likely took over from them. The five briefs he prepared no doubt contributed to the SCC's deciding on 27 February 1717 to reaffirm its earlier positive response to Margherita's request.[45]

Like other attorneys handling such cases, Ursaya adduced treatises by canonists and theologians and decisions of the Rota. Unfortunately, close analysis of the ways in which he deployed these two sets of materials is impossible. Like other curial advocates, he cited authors and titles of treatises in drastically abbreviated form without specifying which editions he was using. As explained earlier, indexes enabling identification of Rota decisions are lacking.

A Costly Undertaking

The moment a proceeding for the annulment of monastic vows began, bills began to accumulate. First the local procurators and then the Roman attorneys had to be paid. The latter charged not only for their services but also for the costs of printing and, if necessary, engaging translators. Only one set of cause papers gives a partial indication of how much all this might cost. The petition of Maria Vittoria Gagnoni (Maria Fidaura), an Augustinian nun in Montepulciano whom we met in chapter 3, was contested both by her father and brothers and by her convent. The dossier in this complex case, which the SCC considered between 1693 (at the latest)[46] and 1700, contains a three-page list submitted by one of Gagnoni's lawyers, Valentino Sensi, enumerat-

42. PRP 27; Pos. 407, *Summarium* 1715, unpaginated.

43. PRP 28; LD 65: 429r.

44. Boschetti contributed two briefs responding to Anna and Teresa's countersuit: *Responsio facti cum summario* ([Rome]: De Comitibus, 1715); and a second one with an identical title issued by the same publisher in 1716. Beltrami, identified as a Mantuan, prepared one: *Iuris* ([Rome: De Comitibus, 1715).

45. Ursaya's contributions to Margherita's case included two publications entitled *Responsio iuris* ([Rome]: De Comitibus, 1716), as well as a *Memoriale facti* and two entitled *Responsio Iuris* issued by the same publisher in 1717. The SCC's final ruling may be found in PRP 30; LD 67: 57r, 59v.

46. When Gagnoni's case was first mentioned in PRP 11 on 28 November 1693, the SCC had already been dealing with it for at least two months.

ing expenses totaling 103.40 ducats incurred between 20 August 1694 and 12 November 1695. The charges, thirty in number, include:

- fourteen payments ranging between 0.60 and 2.40 ducats (most in the latter amount) to two other lawyers representing Gagnoni, Ottavio Landi and Francesco Guazzezio, for drafting written presentations;
- four payments ranging between 2.40 and 20.00 for copying the original documents on which these presentations were based;
- five payments ranging between 1.20 and 2.40 for oral communications to the SCC's secretary;
- one payment of 18.00 for printing memorials;
- one payment of 2.40 for correcting proofs;
- one payment of 3.00 for distributing eighteen copies of a *summarium;*
- one payment of 3.00 for delivering letters;
- one payment of 0.30 for delivering citations; and
- one payment of 0.60 (a tip or a bribe?) to a servant of the SCC's prefect.[47]

This list represents merely a fraction of Maria Vittoria Gagnoni's expenses. Covering only a fifteen-month period in the midst of extremely complex proceedings that went on for six and a half years, it focused on a limited issue: who would pay the bills?[48] The petitioner repeatedly insisted that her father, Tommaso Gagnoni, who along with her mother and eldest brother had forced her into the convent, should bear responsibility for the costs of the trial. For a wealthy noble like Tommaso Gagnoni, 103.40 ducats was a risible sum. Not long after these accounts were submitted, his Roman procurator paid 100 ducats.[49] Whether he or someone else met the subsequent costs, including those incurred by his daughter's successful appeal against the SCC's initial negative decision, the cause papers do not reveal.[50]

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47. Pos. 186 (9 August *pars* 2 and 30 August 1698), 30 August, Montis Politian., unnumbered leaves.

48. See the SCC's deliberations on this issue during the year 1695 in LD 45: 281v, 567v-68r, 642v.

49. Pos. 186, unnumbered leaves; LD 45: 642v; Ant 336–37.

50. The SCC rejected Gagnoni's first petition on 30 August 1698. LD 48: 249r-50v. Having permitted her to appeal that decision, on 30 August 1698 the body released her from her vows. LD 49: 426v. On 3 April 1700 it granted an unspecified request (probably that the favorable decree be implemented). PRP 13. In the case of Maria Antonia Cappella, an attorney for those opposing her release (the Carmelite convent of Santa Maria del Carmelo in Somma Vesuviana, her father, and her

Initiating legal proceedings and bringing them to a conclusion, then, obviously required ample financial resources. Since religious—who shortly before professing were required to make a notarized renunciation of any resources they already held, as well as their prospective inheritance—had no direct access to money, they had to rely on sympathetic relatives and friends willing to finance their appeals. In some instances, sooner or later, the necessary funds materialized, as two examples illustrate. After spending almost three decades in a convent in Spoleto, as we saw in chapter 1, only in 1686 did a woman from an affluent Roman family, the unwilling Dominican nun Agnese Frosciante, finally receive from her brother Luca the financial and moral support required to make a successful appeal against the SCC's initial negative decision.[51] A man from much humbler circumstances whom we met in chapter 3, Matteo Magri, explained in detail how financial difficulties had delayed his appealing for release. Only after he managed to persuade his eldest brother, the parish priest Francesco, that his remaining a friar would ensure the damnation of his soul did Francesco come up with the funds necessary for mounting an appeal against a negative decision. In 1739, six years after it had begun to consider his case, the SCC voted to annul Magri's monastic vows.[52]

A few petitioners, pleading inability to bear their legal expenses and apparently unaware of the ex officio option mentioned earlier, threw themselves on the mercy of the SCC. To cite one among many examples, in September 1750, two years after the SCC had ordered the archbishop of Palermo to conduct an investigation of Teresa Margherita Amati, the petitioner (probably a Franciscan Tertiary) lamented that she could not afford to pursue her case in Rome. She therefore requested a special favor: that the archbishop be authorized to grant her both *restitutio in integrum* (usually issued by the SCC) and *nullitas professionis.* Roman authorities solved her problem in a slightly different way. In an audience with the SCC's secretary on 26 December, Benedict XIV himself issued the first of these decrees and ordered that the archbishop issue the second.[53]

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brothers) submitted a bill for three hundred ducats, which he claimed was considerably less than it had actually cost him to read the 604-page transcript of the diocesan investigation, consult with the court-appointed "defender of the profession," prepare various briefs, and have them printed. Pos. 1044 (23 April *pars* 2 1763), Nolan., Cappella, manuscript Memoriale per resumptione, 25 January 1751.

51. Frosciante's case was treated in greater detail in chapter 1.

52. Pos. 658 (28 February and 14 March *pars* 1 1739), Neapolitan., Magri, *Summarium* ([Rome]: Mainardi, 1736), A7v-8v (testimony of Matteo Magri, 21 April 1733); manuscript Summarium, no. 3 (testimony of Francesco Magri, 25 April 1737). For more on Magri, see chapter 3.

53. LD 100: 372v.

How many other impecunious petitioners never thought of asking for ex officio or another sort of alternative treatment, or applied for it and were turned down, cannot be determined. A considerable proportion of the many cases that disappear from the records after an appeal to the pope and perhaps a few preliminary legal moves may well have foundered on the shoals of indigence. The length of time required for the SCC to reach a decision no doubt worked against other petitioners. Some, either in midstream or after being turned down once, may have concluded that the game was not worth the candle and resigned themselves to spending the rest of their lives in religious houses.[54] While their cases were under consideration, others probably died of natural causes or by committing suicide—a desperate action often contemplated or at least threatened by nuns.

Provided that they could afford it, male religious seeking release from their vows incurred another expense. Since the SCC did not summon and interrogate petitioners, their presence in Rome was not required. Many monks and friars, however, sought permission from their local superiors and the heads of their orders to go there.[55] Their presence in the Eternal City presented several advantages. For one thing, they could consult face to face with their Roman attorneys. Two other benefits probably weighed more heavily. Being housed in a Roman monastery enabled them to escape the rancor and roadblocks presented by hostile friars in the houses they were trying to leave. Furthermore, they could communicate in person with the generals of their orders, whose opinions had an impact on the SCC's decisions. For two reasons, nuns petitioning for release almost never went to Rome. Going on the road was virtually impossible for religious women, and congregations of nuns following particular forms of constitutions did not yet have central headquarters in Rome.

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54. Two Benedictine monks of the Cassinese Congregation in whose cases the SCC made negative decisions apparently did not attempt to obtain new hearings. Giovanni Maria Cambiagi of Genoa (turned down on 2 December 1678) died as a Benedictine in 1734, Alessandro Ludovico Bevilacqua of Mantua (turned down on 19 November 1707) in 1736. Bossi, 560, 156.

55. Such permission was not always immediately forthcoming. At the beginning of the eighteenth century, the Observant Franciscan petitioner Anselmo Marcone (Giovanni da Ripa) bombarded the order's authorities with requests for a license to come to Rome. On 6 February 1700, Prior General Mattio da Santo Stefano, replying to one of eight letters he had received from Marcone, informed him that the monastery of Aracoeli, full to bursting with visitors who had come to attend the annual chapter general, could not accommodate any more. A year later, Prior General Cherubino da Nardò declined Marcone's request for the same reason, suggesting that he try again later. On 19 February 1701 Fra Cherubino signed a printed license granting Marcone permission for a one-month stay at the house. Pos. 238 (30 Sept 1702), Theatin., Marcone, manuscript Memoriale e Facti, unpaginated.

The Judges

When the pope passed a petition for release from monastic vows to the SCC, who considered it and rendered a decision? Lists of cardinals who served on the SCC (found in most volumes of PRP) and notations of those present at each meeting (regularly furnished in LD) make it possible to examine the membership of the SCC and patterns of participation in its meetings. I have scrutinized these data in eleven sample years: 1672, 1683, 1702, 1712, 1721, 1731, 1741, 1751, 1761, 1772, and 1784.[56] The results are displayed in the graphs below.

Like the majority of men in the College of Cardinals, most members of the SCC—one of the two most important Roman congregations, the other being the Holy Office[57]—were Italians. Non-Italians constituted a fluctuating but always small proportion of the body's membership, ranging from a low of 4 percent (just one cardinal) in 1761 to an anomalous high of 45 percent (twenty cardinals) in 1741. For good reasons, many non-Italian cardinals did not reside in Rome and never participated in the SCC's deliberations. Philipp Ludwig von Sinzendorf (a member in 1731 and 1741) and Sigismund von Kollonitsch (a member in 1731, 1741, and 1751), for example, did not

Chart 2. Cardinals on the SCC

56. Examination of the 1690s is precluded because volumes of PRP are missing.
57. Lefebvre, Pacaut, and Chevailler, 160–61.

Chart 3. Attendance at SCC meetings

Chart 4. National origin of cardinals on the SCC

attend a single meeting because they were fully occupied in administering their dioceses of Breslau and Vienna, respectively.[58] Attendance patterns of those who had major political as well as episcopal responsibilities in their homelands fluctuated. The presence of the Spaniard Luis Manuel Fernández de Portocarrero-Bocanegra y Moscoso-Ossorio is attested at eight meetings in 1672. After being appointed archbishop of Toledo in 1677 and becoming deeply involved in national politics during the troubled reign of Carlos II, he attended no meetings of the SCC in 1683 or 1702.[59] One longtime French member, César d'Estrées, attended four meetings in 1672, fourteen in 1683, and (although he had resigned from the see of Laon in 1681 and never thereafter held a bishopric) none in 1702 and 1711.[60] Another, Armand Maximilien Gaston de Rohan de Soubise—known in Rome as "de Alsatia" after the see of Strasbourg over which he presided from 1701 to 1742—attended nine meetings in 1721, none in 1731, and five in 1741.[61]

For the same reason, commitment to their diocesan responsibilities, numerous Italian cardinals on the SCC were never present at its meetings. Two examples are the longtime members involved in the case of Anna Antonia Ciera: Giorgio Corner, bishop of Padua, who refused to take any action; and Giacomo Boncompagni, archbishop of Bologna, who championed her cause. In the sample years 1702 and 1712, Corner did not participate in its deliberations; in 1721, for some unknown reason, he was present twice. Over three decades, it appears (at least in the sample years 1702, 1712, 1721, and 1731) Boncompagni never darkened the door of the SCC's meeting room.[62]

Decision Making in the SCC

By deciding to approve or reject petitions for release from monastic vows, the SCC determined the fates of many dissatisfied monks, friars, clerks

58. On Sinzendorf (1699–1747; named cardinal 26 November 1727), see *HC* 5: 37, 226; *HC* 6: 445; and Miranda, bios1721.htm#Sinzendorf. On Kollonitsch (1677–1751; named cardinal 26 November 1727), see *HC* 5: 37, 414; *HC* 6: 441; and Miranda, bios1686.htm#Kollonitsch.

59. On Portocarrero (1635–1709; named cardinal 5 August 1669), see *HC* 5: 4, 383; and Miranda, bios1669.htm#Fernandez.)

60. On d'Estrées (1628–1714; named cardinal 24 August 1669), see *HC* 4: 216; *HC* 5: 7, 238; and Miranda, bios1671.htm#Estrees.

61. On Rohan (1674–1749; named cardinal 18 May 1712), see *HC* 5: 28, 98, 379; *HC* 6: 99; and Miranda, bios1712.htm#Rohan.

62. On Corner (1658–1722; named cardinal 22 July 1697), see *HC* 5: 20, 308–9, 333; Preto 23; and Miranda, bios1697.htm#Cornaro. In 1721 he may have been in Rome for a visit *ad limina*. On Boncompagni (1652–1731; named cardinal 12 December 1695), see *HC* 5: 19, 124; *HC* 6: 126; Coldagelli; and Miranda, bios1695.htm#Boncompagni.

regular, and nuns. How did this body arrive at its preliminary and final decisions? That the cardinals present discussed, debated, and voted is certain. The series PRP, LD, and *ThR,* however, record only the decisions taken, not the process that led to them. If minutes of meetings in the modern sense of the term (reporting the names and words of speakers and the numbers voting for and against) were kept, they have not survived. Perhaps information about what went on behind closed doors on Saturday afternoons in the Quirinal Palace occasionally filtered out. If it did, I have not managed to trace any such leaks. A single piece of evidence, cited below, suggests that a majority vote rather than a unanimous one was required, but nowhere have I found a statement about how large the majority had to be. Given that a relatively small number of the cardinal-members attended each meeting, one might be tempted to assume that the secretary, who as we shall see in the next section was responsible for directing the SCC's work, dictated the conclusions it reached. The secretary, however, was an employee, not a voting member, of the body. Inferior in rank to the cardinals, he probably could not have played puppet master in the way that some modern bureaucrats manage to do.

A sole set of cause papers yields a brief glimpse of the SCC as something more than a collective. On 15 November 1724, a twenty-year-old noblewoman of Madrid, María del Prado Arellano, professed in the Dominican convent of Santo Domingo in that city under the religious name María Emanuela de San Juan Bautista.[63] Shortly after the death of her father, Luis Francisco de Arellano Meneses, Marquis of Villatoya, on 16 January 1730, she petitioned for *restitutio in integrum,* claiming that he had employed force and fear to make her a nun. By this means he intended to prevent her from marrying Gregorio Baillo Solis, her stepmother's impecunious brother, for if she wed, her dowry would consume part of the inheritance that he planned to pass on to Alfonso, his eldest son.[64] After the SCC had considered the bulky record of the investigation conducted by Cardinal Archbishop Diego Astorga of Toledo and numerous printed presentations on behalf of the

63. Pos. 615 (2 July *pars* 2 1735), Toletan., Prado, *Summarium* on behalf of María's stepmother, Margarita Baillo (who along with María's brother, Alfonso, and the nuns of Santo Domingo contested her suit), A2r-A5v (testimony of Juan de Arellano and Sister Isabel María de Guzman, 3 and 5 April 1732, on the dinner party and dance that followed her profession ceremony).

64. Gregorio and María had obtained a dispensation from Rome for marrying within the prohibited degrees of kinship. *ThR* 7: 90–92; Pos. 615, *Summariam* for María ([Rome]: Leone & Mainardi, 1735), A1v, María's *supplica,* n.d.; Pos. 654 (27 September 1738), Toletan., Prado, *Summarium testium* ([Rome]: Mainardi, 1738), 9–22 (testimony of Gregorio Baillo Solis, n.d.).

petitioner and opponents of her suit, on 9 July 1735 it granted María del Prado Arellano *restitutio in integrum*.[65]

Unfortunately for María, her story did not end happily at this point. No doubt influenced by those who opposed her release from the convent (her stepmother, her eldest brother, and the nuns), the lieutenant of the vicar of Madrid and her monastic superior, the Dominican provincial, refused to grant her *nullitas professionis* and ordered that she return to her convent.[66] Their ruling necessitated a new approach to the SCC and another investigation in Madrid. In this second round, María was represented in Rome by the attorney Niccolò Pelagalli. Having somehow managed to discover who had voted in her favor at the SCC's meeting of 9 July 1735, he named these fourteen cardinals in one of their printed representations but refrained from identifying the four who voted against her.[67] Whether this "outing" influenced members of the SCC three years later cannot be determined. In any event, on 27 September 1738 they reiterated their approval of María's release from her vows.[68]

Managing the SCC: The Role of the Secretary

Given that a minority, usually a small minority, of the SCC's membership took an active part in its deliberations, who directed that body's work? The activities of anonymous lower-level functionaries cannot be traced. Those who bore responsibility for conducting the SCC's business were its leaders: the prefect and the secretary. The pope appointed senior, often very elderly, prelates to the post of prefect.[69] They attended and presided over most meetings, but the records of the SCC furnish few other details about the role they

65. LD 85: 259v-60v; *ThR* 7: 90–92, 8: 182–83.

66. *ThR* 8: 182–83.

67. Pos. 654, *Restrictus facti & iuris* ([Rome]: Mainardi, 1738), unpaginated: Annibale Albani, Ludovico Pico della Mirandola, Luis Belluga y Moncada, Francesco Antonio Fini, Leandro Porzia, Vincenzo Bichi, Antonio Saverio Gentili, Troiano Acquaviva d'Aragona, Serafino Cenci, Niccolò Maria Lercari, Giovanni Antonio Guadagni, Bartolomeo Ruspoli, Giovanni Battista Altieri, and Carlo Colonna. The attendance record for this session, LD 85: 258r, which does not include Ruspoli's name, leads to the inference that the four others present—Antonio Felice Zondadori, Curzio Origo (the prefect), Vincenzo Petra, and Marcello Passeri—must have voted in the negative. Domenico Ursaya, whose name is on the title page of the 1738 *Restrictus facti & iuris,* had died three years before its publication.

68. Present at the meeting on 27 September 1738 were seven of those who had voted yes on 9 July 1735, two who had voted no, and three who had joined the SCC since then. LD 88: 433r. For the second positive decision, see LD 99: 435v-36r, *ThR* 8: 182–83.

69. Lists of prefects are provided by Del Re, *La Curia Romana,* 161–62; and Del Re, "I cardinali prefetti della Sacra Congregazione del Concilio," 278–89.

played. In sharp contrast, the secretaries stand out as principal actors, as the titles of attorneys' printed presentations make abundantly clear. That attorneys' submissions were invariably addressed to the secretary demonstrates that he was intended to be their first reader. Indeed, from 1649 on, in important cases assigned to the category of *in folio* (high priority), the secretary served as *ponente:* the person responsible for preparing a summary of each case that outlined features of the evidence presented and relevant points of law that the cardinal-members should consider in arriving at a decision.[70] Beginning in 1739, these summaries reached a wider audience in the *Thesaurus resolutionum,* which opened with cases decided in 1718.

Scrutinizing the careers of the twenty men who served as secretaries of the SCC between 1668 and 1787 will help to fill in the picture of their role as chief executive officers of this body. All were or became ordained priests, as was necessary for pursuing a career in the papal administration. In their forties or fifties when they were appointed to the position of secretary, most of them—all, in fact, on whom educational information is available—had earned doctorates in civil and canon law.[71] Like most bureaucrats at the upper-middle level of the papal administration, they usually held or were soon appointed to titular bishoprics *in partibus infidelium* (lands under Muslim rule), which furnished income but entailed no pastoral duties. The office of secretary of the SCC constituted an important step upward. For most, it was not their last: sooner or later, seventeen donned the cardinal's red hat.[72]

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70. Less important cases were handled by the *per summarium precum* procedure. Cappello; Del Re, *La Curia Romana,* 154–55.

71. Almost all who completed their studies in faculties of jurisprudence took degrees in both laws. According to a Paduan maxim, "a legist [civil lawyer] who is not a canonist is worth little; a canonist who is not a legist, nothing." Brugi, 76.

72. Seventeen secretaries were promoted to the cardinalate: Stefano Brancaccio (16 June 1668–23 August 1681) in 1681, Ranuccio Pallavicini (1690–17 March 1696) in 1706, Ferdinando Nuzzi (31 March 1696–16 January 1700) in 1715, Curzio Origo (pro tempore 28 January 1704–5 June 1706) in 1712, Vincenzo Petra (5 June 1706–11 January 1716) in 1724, Marco Antonio Ansidei (15 January 1716–15 January 1718) in 1728, Prospero Lambertini (15 January 1718–17 April 1728) in 1728, Antonio Saverio Gentili (15 May–18 December 1728) in 1731, Jacopo Lanfredini Amadori (12 January 1732–20 March 1734) in 1734, Carlo Alberto Guidobono Cavalchini (3 April 1734–7 September 1743) in 1743, Giuseppe Alessandro Furietti (28 September 1743–24 September 1759) in 1759, Giuseppe Simonetti (24 September 1760–18 July 1763) in 1766, Filippo Maria Pirelli (18 July 1763–26 September 1766) in 1766, Francesco Saverio Zelada (16 September 1766–25 April 1755) in 1773, Francesco Carraro (25 April 1775–24 February 1785) in 1785, Filippo Carandini (14 February 1785–29 January 1787) in 1787, and Giulio Gabrielli (29 January 1787–1801) in 1800. Jacopo Altoviti (16 September 1681–28 November 1689), Giovanni Domenico Tomati (16 January 1700–14 June 1704), and Alessandro Abbati (16 January 1729–15 December 1731) were never awarded the red hat. This list, based on close inspection of PRP and LD, corrects a few errors in the one provided by Palazzini, "Prospero Fagnani," 377–79.

One of them went all the way to the top. Prospero Lambertini, born in Bologna on 31 March 1675, studied with the Somaschans in his hometown before moving to Rome, where in 1704 he took degrees in theology and law at La Sapienza. After a decade of service as promoter of the faith ("devil's advocate") on the Congregation of Rites (now called the Congregation for the Causes of Saints), he became secretary of the SCC on 15 January 1718.[73] During his ten years in this office, he was appointed titular bishop of Theodosia in June 1724 (at which point he took priestly orders) and archbishop of Ancona in January 1727. On 30 April 1728, shortly after he left the position of secretary, Benedict XIII proclaimed his promotion to the cardinalate, a nomination made *in pectore* (decided on but not announced) fourteen months earlier. Cardinal Lambertini became archbishop of Bologna on 30 April 1731. During the six-month, 255-ballot conclave following the death of Clement XII, he eventually emerged as a compromise candidate. Elected pope on 17 August 1740, he took the name Benedict XIV. On donning the triple tiara, popes almost always resigned from the dioceses they had previously held. Unusually, not until January 1754 did Lambertini relinquish the archbishopric of Bologna. His pontificate, a relatively long one, came to an end on 3 May 1758, when he died at the age of seventy-eight.[74]

Among secretaries of the SCC, Lambertini stands out neither because of his long tenure in the office nor because of any major changes between 1718 and 1728 in the number of cases the SCC considered and the nature of decisions it reached.[75] Rather, his previous experience bore fruit later. As consultor to the Congregation of Rites and then secretary of the SCC, it appears, he had been frustrated by insufficiently explicit rules and procedures, inconsistently applied. In the decade preceding his election, he issued the four-volume treatise *De servorum Dei beatificatione et beatorum canonizatione* (1734–38), which until the late twentieth century set the standard for procedure in the making of saints. In 1739, as we have seen, he initiated publication of the series *Thesaurus resolutionum,* which recorded the SCC's

73. Mario Rosa wrongly states that he became secretary of the SCC in 1720. Rosa, "Benedetto XIV, papa," 394.

74. There is no modern full-scale biographical study of Lambertini, but see the generally excellent brief profile by Rosa listed in the previous note. See also the charming film *Il cardinale Lambertini* (1954, directed by Giorgio Pàstina, with Gino Cervi in the title role), set in Bologna in 1739–40, shortly before Lambertini's election as pope. I thank Gabriella Zarri for bringing it to my attention.

75. Only three secretaries of the SCC in our period served longer than he: Brancaccio, Furietti, and Gabrielli.

more important decisions beginning retrospectively in 1718, when he had assumed the post of secretary.

Once elected pope, Benedict XIV decided to regularize the judicial handling of two closely related matters that came frequently before the SCC: dissolution of marriage and release from monastic vows. His "commitment to simplifying the intricate post-Tridentine legislation," which constituted a prime characteristic of his pontificate,[76] led him to issue apostolic constitutions on both issues. *Dei miseratione,* published on 29 November 1741, spelled out the procedure to be followed in adjudication of matrimonial disputes, with particular attention to curbing excessive leniency in granting annulments.[77] *Si datam hominibus fidem,* issued on 18 March 1748, outlined procedures for handling cases concerning annulment of religious professions.[78]

In *Si datam,* after making clear that the masculine nouns and pronouns he was using applied to female as well as male religious, Benedict XIV reiterated the rules established by the Council of Trent for proceedings conducted within five years of profession and addressed defects in their application. No matter when force had begun to be applied and how continuous it was, the five-year clock started running on the day of profession. If petitioners had left their religious houses, they must return to them, wearing their habits, before proceedings could begin. In diocesan investigations, witnesses must be formally examined on articles submitted by petitioners' procurators; no extrajudicial attestations were to be accepted. Both petitioners' close relatives (including the forcers, if still alive) and members of their monasteries and convents must be heard. Ordinaries and monastic superiors, the pope repeatedly insisted, were judges in the first instance. If they ruled that a profession was valid and the petitioner objected, or if they declared it null and the religious house demurred, the ordinary must appoint an honest, professionally qualified *defensor professionis* to represent the interests of the monastery or convent (at that institution's expense). Neither after the initial sentence was pronounced nor while an appeal was pending was the petitioner permitted to leave the house or take vows in another order. Should the ruling made on the diocesan level be appealed, the judge in the second and subsequent instances became the SCC. Alternatively, the SCER, the auditor of the Rota, or in a Roman case the vicar of Rome (representing the pope) might adjudicate an appeal.[79]

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76. Rosa, "Benedetto XIV, papa," 393–94.

77. Benedict XIV, *Bullarium tom. I,* 106–10.

78. Benedict XIV, *Bullarium tom. II,* 331–39. No doubt constrained by limitations of space, Rosa, "Benedetto XIV, papa," discusses neither of these constitutions.

79. Benedict XIV, *Bullarium tom. II,* 331–35.

The Council of Trent and after its closure Pope Gregory XIII, Benedict acknowledged, had stated categorically that when more than five years had passed since a person's profession, no appeals were to be heard. Since then, however, the Church had recognized that in some unusual and grave instances, appeals for restitution to lay status made after the expiration of the five-year deadline deserved consideration.[80] Such an "extraordinary remedy" could not be applied by an inferior judge, only by the pope. Although procedures in cases of this sort had long since become customary, they had been applied so inconsistently that clear, explicit articulation was called for. From beginning to end of proceedings in Rome, monastic superiors and ordinaries, who should be kept fully informed by and listened to by the SCC, must do their part. Monastic superiors must refrain from admitting novices before the minimum age, see that they served complete novitiates, make sure that they genuinely wished to profess, and emphasize the solemnity and irrevocable nature of religious profession. Ordinaries must make clear to all that those who forced young women and men into religion automatically incurred excommunication. Local authorities as well as members of the SCC must pay close attention to the number and quality of witnesses, assess the types and degrees of compulsion exerted on unwilling adolescents, and recognize the differences in males' and females' capacity to resist pressure. If all those responsible fulfilled their obligations, the pope predicted, appeals for release from monastic vows, judged critically and systematically, would decrease dramatically.[81]

His constitution, Benedict XIV conceded in conclusion, did not solve all the legal dilemmas posed by forced monachization. When a person's unwittingly premature profession came to light at a later date, for instance, did he or she have a valid ground for requesting a declaration of *nullitas professionis?* If someone about to profess concealed a physical defect or some other impediment proscribed in the order's constitutions, was the profession automatically null? What about a monk or friar who took priestly orders "under the title of religious poverty" in the hope of leaving his monastery and becoming a secular priest? If a professand remained silent about his or her aversion to entering monastic life, could the issue be raised at a later date? Could a defective profession be ratified by subsequent acts, and if so, what sorts of acts? The pope concluded *Si datam* by announcing his intention to

80. Many seventeenth- and eighteenth-century canonists acknowledged the possibility of appeals after five years. See, for example, Pignatelli, 6–7; Reiffenstuel, 3: 525–26.

81. Benedict XIV, *Bullarium tom. II,* 335–38.

pursue answers to these and other questions in consultation with learned theologians and canonists.[82]

Whether Benedict XIV subsequently sought advice on these matters in a systematic way—for instance, by appointing a committee to address the issues, as the conclusion of the constitution suggests—remains uncertain. In any event, he did not legislate further on them. Strong indirect evidence that he involved himself more actively in decisions on cases of forced monachization than his predecessors had done, however, emerges in PRP and LD. From 1740 on, these series began to record a new kind of decision, taken not collectively in meetings of the SCC but by the pope in an audience with its secretary. With increasing frequency, moreover, cases did not conclude in the session during which the SCC reached its decision. Rather, in a subsequent meeting (usually the next), the cardinals took another look at the decree they had issued. More often than not, they confirmed it by ruling *in decisis,* that is, "let the previous decision stand."[83] Although I have uncovered no concrete evidence that Benedict XIV promoted this slight but significant procedural change, it seems highly probable that he did. In any event, *Si datam* went immediately into force. From 1748 on, proceedings that did not fulfill its requirements were routinely remanded so that they could be put in proper form. Now let us turn to problematic issues posed by forced monachization in concrete cases.

Premature Profession

The simplest of these, premature profession (alleged by at least fifty-four petitioners), was largely a question of fact. A person either had or had not taken monastic vows before the minimum age of sixteen mandated by the Council of Trent—or at a later age required of lay brothers and sisters and by the constitutions of some orders.[84] To hasten entry of an adolescent into monastic life, many a relative furnished a forged baptismal certificate, one belonging to an older sibling with the same name who had died in infancy,

82. Ibid., 338–39.

83. I thank the Dominican scholar Arturo Bernal y Palacios, for setting me straight on the meaning of *in decisis.*

84. Cases of lay brothers who professed too early include the Discalced Augustinian Aurelio Burattini, diocese of Grosseto, who was granted release on 1 April 1713 (LD 63: 121v-22r; Pos. 336 [1 April *pars* 2 and 24 April *pars* 1 1713], Grossetan.); and the Observant Franciscan Saverio Misurelli, diocese of Cosenza, who was granted release on 3 September 1729 (LD 79: 434rv; Pos. 547 [13 August and 3 September *pars* 1 1729]), Cusentin.).

or one issued to an older sibling who was still alive.[85] Often, the monk, friar, or nun who professed too early was (or claimed to have been) unaware of the problem at the time but discovered it years later. Provided that the priest currently serving the parish in which the baptism had taken place could provide a certified copy of the correct baptismal certificate, proceedings for release could be wrapped up quickly in the petitioner's favor. Whether force and fear had been wielded, which it usually had been, became a secondary issue.

The experience of Susanne Poulleaux (Susanne-Marie de Saint-Pierre) illustrates an uncomplicated case of premature profession. She had taken vows at the Ursuline house in Saint-Étienne on 1 August 1680. In May 1696, with a license to "change air" and take the waters at a spa in order to improve her health, she went home to Lyon. She and her sister Marie, who had been insisting that Susanne was not as old as she thought she was, called on the curé of the family's parish church. He furnished a copy of her baptismal certificate, which the Ursulines had not requested when she entered religion; her parents had insisted on her telling them that she was seventeen. The certificate demonstrated beyond a shadow of a doubt that having been born on 23 June 1666, she had professed twenty-three months and seven days too early. Susanne appealed to the pope for release solely on the ground of premature profession, with no explicit mention of compulsion. In July 1701 the SCC ordered that the archbishop of Lyon conduct an investigation. No evidence emerged to contradict Susanne's claim. On 18 November 1702, the SCC granted her *restitutio in integrum* and instructed the ordinary to proceed against her mother.[86]

Complications sometimes arose, however, including distance from home in the cases of Johann David Grebner and Pietro Cicchi and the ravages of war in the case of Marguerite-Eugénie Beauregard.[87] A more tangled tale emerges from cause papers regarding Girolamo Lorenzo Taliente, born on 30 September 1686 on a farm in the diocese of Brindisi. In the late spring of 1701, when he was fourteen, he and his cousin Nicola Garzia—accompanied by his elder brother, Vito Antonio—went to Nardò seeking

85. In addition to Pietro Cicchi, two other men professed too early on the strength of baptismal certificates of deceased elder brothers with the same first name. The petition of Alduzio Braccio, Benedictine of the Congregation of Monte Vergine in the diocese of Frigento, was rejected on 17 July 1683 (LD 33: 219v-20r). Giuseppe Antonio Domenico Mimi, a Reformed Franciscan in the diocese of Spoleto, gained release on 27 November 1777 (LD 127: 642v; *ThR* 46: 180).

86. LD 52: 96rv, 406rv; Pos. 239 (18 November 1702), Lugdunen., Poulleaux.

87. In this regard, Grebner's and Cicchi's cases are discussed in further detail in chapter 7; Beauregard's in chapter 8.

to enter the Reformed Franciscan Order. When the friars rejected Girolamo and Nicola because they were too young, Vito expressed interest in becoming a Franciscan and was accepted. Since the boys' parents did not want their eldest son to enter religious life, they pressed Girolamo to take his brother's place. Bearing Vito's letter of acceptance into the order and under his secular name, Girolamo (known henceforth as Teodoro da Brindisi) vested on 18 July 1701 and professed a year later in the house at Francavilla Fontana in the diocese of Oria. Until 1705, when his mother mentioned the age problem, he had no idea that he had professed too early. After his uncle obtained a copy of his baptismal certificate, which he compared with the certificate of his profession, he informed his confreres that his profession was invalid and left—or according to some witnesses, was expelled from—the monastery.[88] In the following year, he exchanged promises of marriage with Francesca Antonia Pietanza. Informed by the archpriest of Brindisi that he could not wed until he obtained decrees of *nullitas professionis* and *restitutio in integrum,*[89] he eventually applied for them.[90] After he complied with the SCC's order that he resume wearing his habit and return to his monastery,[91] proceedings went forward. On 12 November 1712, the cardinals granted Taliente's request for release.[92]

Professions in Violation of Orders' Constitutions

The constitutions of several monastic orders explicitly barred men with incurable diseases and certain other preexisting disabilities from joining their ranks.[93] Practically all aspiring monks and friars suffering from epilepsy, syphilis, or some other malady knew perfectly well that it presented an

88. Pos. 361 (24 September *pars* 2, 12 November, and 3 December *pars* 1 1712), Brundusin. seu Oritan., Taliente, *Summarium* ([Rome]: De Comitibus, 1712), A6v-9r (testimony of Girolamo Lorenzo and Vito Antonio Taliente, 21 January 1712). Interviewed the day before, Fra Francesco Maria da Francavilla, who had been provincial of the order when Girolamo professed, expressed chagrin about the friars' failure to realize that he was not Vito. Ibid., A6rv. Another confrere, also appalled by the trick, doubted Girolamo's ignorance of his age: "Everyone knows how old he is," he averred. Ibid., A5r (testimony of Fra Innocenzo da Francavilla, 20 January 1712).

89. *Summarium* ([Rome]: Reverenda Camera Apostolica, 1711). A2v (testimony of Antonio Giaccone, December 1710).

90. The SCC first read his petition on 24 May 1710. PRP 23.

91. Issued on 30 August 1710. PRP 23.

92. Pos. 361; LD 62: 411v-12r.

93. In only one case of a woman is such a prohibition mentioned: the Clarisse Maria Brigitta Franzoni of Genoa, whose ill health (nature unspecified) made her relatives insist that she become a nun. If she married, they warned her, she would never survive pregnancy and childbirth. The SCC rejected her petition for release. LD 90: 37r-39v; *ThR* 9: 14–15 (30 January 1740).

obstacle to profession. When examined by their superiors prior to entering monastic life, therefore, they almost always strove to conceal their disease, hoping that it would not come to light and somehow they would be cured. Consciously misrepresenting the state of one's health at the beginning of a monastic career rendered a later attempt to gain release from vows legally problematical.

In the 1720s the SCC, whose secretary at the time was Lambertini, considered four cases in which petitioners requested release on the ground of congenital illness. Three originated in the Capuchin Order, whose constitutions excluded men with specified maladies. The first, involving the epileptic Giuseppe Maria da Palliano, was turned over to Cardinal Francesco Barberini Junior, protector of the order, who released him on 8 July 1724.[94] When the SCC reconsidered the petition of another epileptic, Francesco Spadaro (Giovanni Francesco da Messina), which had been rejected in 1723, the court-appointed "advocate of the poor," Domenico Lanfredini, invoked as a precedent the handling of Giuseppe Maria da Palliano's case, but to no avail. Spadaro's request was rejected again in 1726 on the ground that the provision in the Capuchin constitutions excluding congenitally ill men from professing was meant to protect the order, not individual members.[95] Yet another Capuchin, Jacopo Baldassini (Giovanni da Roma), who suffered from nephritis, approached the SCC in 1726. After he was turned down, his lawyers, Domenico Ursaya and Giuseppe Retti, presented an affidavit from Francesco Antonio Mensurati, a healer licensed by the city of Rome, attesting that his illness was incurable and severely debilitating; two physicians corroborated Mensurati's finding. The SCC accepted the attorneys' argument, based on the ruling in Giuseppe Maria da Palliano's case, that Cardinal Protector Barberini should make the final decision about Baldassini.[96]

In the same decade, Ursaya represented a Discalced Carmelite in Rome, Niccolò Oddi (Lelio di Santa Rosa), whose medical circumstances were quite different. In petitioning for release, Oddi alleged that he had a long-term, serious ophthalmologic disorder: after he had read four or five lines, his vision became so blurred that he could not continue. In contrast to the three

94. LD 76: 298v. Giuseppe Maria's secular name is not given.

95. LD 76: 298v, *ThR* 3: 342 (6 July 1726). A year later, the SCC confirmed its negative decree by ruling *in decisis.* LD 77: 239r, *ThR* 4: 46 (26 April 1727).

96. The negative decision of 6 July 1726 (LD 76: 342v, *ThR* 3: 336) was confirmed by a ruling of *in decisis* on 26 April 1727 (PRP 40). Pos. 523 (29 March and 26 April 1727), Ord. Cap., Baldassini, contains two presentations by Ursaya and Retti, *Restrictus facti & iuris cum summario* ([Rome]: Zinghi & Monaldi, 1726) and *Memoriale facti & iuris cum summario pro nova audientia & reassumptione ex gratia* ([Rome]: Zinghi & Monaldi, 1727); the latter contains the medical men's attestations. Baldassini's case was passed to Cardinal Barberini on 7 June 1727. PRP 40.

Capuchins, at the time of his profession he had revealed this problem to his prior, who optimistically assumed that it was temporary and curable. In December 1724 the SCC voted to reject his petition on the ground that the Discalced Carmelite constitutions did not specifically mention this kind of disability. Ursaya managed to obtain a new audience for Oddi, whose case the SCC remitted to the protector general of his order.[97]

The legal situation regarding incurable illnesses was no clearer two decades later, as a particularly arresting case from the diocese of Arezzo illustrates. From the age of seven, the future Discalced Carmelite Alessandro Renzi (Filippo Neri di San Gaudenzio) had suffered from an anal fistula.[98] A childhood friend, Antonio Silvestro Tarchiani, testified that one day when they were about twelve and living in Regello, Alessandro did not come to school. When Antonio asked the reason for his absence, he explained that he had a serious indisposition. He revealed its nature on condition that Antonio keep it to himself, lest other schoolmates make fun of him for having "an illness in my rear end." On another occasion, Antonio went to Alessandro's house, found him in bed, and said, "Get up, lazybones! Let's go out and play." Alessandro suggested that he look out the window to see the reason why he could not do so. "Leaning out the window," Antonio recalled, "I saw on the threshold a basin containing a quantity of blood, [fleshly] matter, and excrement." To avoid vomiting, he quickly averted his gaze.[99]

Many witnesses interrogated in Arezzo expressed sympathy for Renzi and supported his release. A confrere testified that the petitioner's brother Gaudenzio had died of the same malady.[100] Four Florentine surgeons attested to the fact that his incurable fistula made it impossible for him to endure

97. For the negative decision of 16 December 1724, see LD 74: 559v and *ThR* 3: 106. On 3 March 1725 and again on 30 March 1726, Oddi's case was remitted to the SCC's secretary and the order's protector general. PRP 38, PRP 39; Pos. 496 (3 March *pars* 2 and 24 March *pars* 1 1725), Romana, Oddi; Urs D 6: ee1r–4v. In the previous decade, Ursaya had helped to bring the case of Giuseppe Calisto of Naples, a Discalced Carmelite suffering from epilepsy, to a successful conclusion. The SCC released him from his vows on 3 September 1718. LD 68: 359r; Pos. 423 (13 August *pars* 2, 3 September, and 24 September 1718), Neapolitan., Calisto; Urs D 1.1: 70–74. Unlike the other cases previously discussed in this section, the cause papers on Calisto contain extensive testimony from lay witnesses (including his mother and other relatives) and fellow friars about his illness.

98. Renzi vested on 25 November 1732 and professed on 25 November 1733 in Santa Maria delle Grazie, Arezzo. Pos. 772 (18 November 1747), Aretin., Renzi, manuscript record of investigation conducted in Arezzo, 22 September 1745–10 April 1747.

99. *Summarium* ([Rome]: De Comitibus, 1747), A4v-5r (testimony of Antonio Silvestro Tarchiani, 21 August 1746).

100. Ibid., A5r-v (testimony of the lay brother Bernardino del Bambin Gesù, 17 November 1745).

the austere lifestyle required of men living under the Discalced Carmelite rule.[101] His mother, who on account of his medical problem had opposed his becoming a friar, expressed her willingness to welcome him back to the family home if he were released from the monastery.[102] The bishop of Arezzo supported his petition.[103] Religious, on the other hand, were hostile to Renzi's request. The former provincial of the Carmelites of the Ancient Observance stated that his request to transfer to their less rigorous order had been turned down.[104] Superiors of the Discalced Carmelites asserted their right to expel him because at the time of profession, he had disingenuously concealed his disability.[105] On 18 November 1747, the SCC granted his request, and the following April it reminded the bishop of Arezzo to issue the decree of *nullitas professionis.*[106] For the next six years, Renzi received extension after extension on his right to celebrate Mass. When the record falls silent in 1754, he had still not managed to put together his patrimony and obtain a benefice[107]—a set of difficulties explored in the next section.

In the Theatine Order, another preexisting condition constituted an impediment to profession. By the latter part of the seventeenth century, if not earlier, the Theatine constitutions limited admission to men whose forbears on both sides for at least four generations back had been orthodox Catholics.[108] In 1676 Johann Baptist Lerchenfeld professed as a Theatine in Munich. Around 1700, when he was living in the order's Freising house, he belatedly discovered that "persons infected with the Lutheran heresy" perched on recent branches of his family tree. Via the Penitentiary, he petitioned the pope for release from his vows. Clement XI, who was

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101. Ibid., A7r-10r (affidavit and testimony of surgeons, 21 and 22 October and 5 November 1745, 30 August 1746). One witness mentioned Renzi's having surgery in Siena; the operation apparently failed. Ibid., A1v (testimony of Fra Quintino della Presentazione, 23 February 1738).

102. Ibid., A5v (testimony of Fra Bernardino del Bambin Gesù); A6r (affidavit of Maddalena Sordi, 8 February 1738).

103. Ibid., A3v-4v, bishop of Arezzo's report to the SCC, 13 April 1747.

104. Ibid., A2v (testimony of Fra Ferdinando Ghinetti, O.Carm, 12 September 1745).

105. Pos. 772, letter of Cosimo Matteo Costantino, the lawyer representing Renzi's monastery, n.d.; *ThR* 16: 79.

106. LD 97: 430rv, *ThR* 16: 79. PRP 61 (22 June 1748).

107. PRP 64 (28 September 1748), LD 102: 318v (10 August 1752), LD 103: 397v-98r (1 September 1753), LD 104: 287v (20 July 1754).

108. As is well known, Gian Pietro Carafa, an early and implacable enemy of Protestants, cofounded the Theatine Order in 1524. Whether he and his associates put this prohibition in place and if so when, I have been unable to determine; records in the Lerchenfeld case confusingly refer to constitutions published in either 1666 or 1678. Another order imposed an analogous distinction. At its fifth general congregation in 1593, the Society of Jesus voted no longer to admit men of "new Christian" ancestry, a prohibition modified in 1608 but not abolished until 1946. Many thanks to Thomas M. Cohen for supplying information about the Jesuits.

inclined to favor Lerchenfeld's request, transmitted the case to the SCC, which ordered that witnesses be formally examined. In late August 1704, with assistance from his attorney, Domenico Ursaya, Lerchenfeld obtained a decree of *nullitas professionis,* to be executed by the Datary, the branch of the Apostolic Chancery that dealt with dispensations.[109]

Petitions for release premised on professions that violated orders' rules presented several difficult issues. Questions of fact in cases of disease included not only how long the malady had persisted and whether it was incurable (matters on which testimony from medical experts was required) but also the petitioner's behavior: had he knowingly and deliberately concealed information that would have blocked his profession? In most cases, as we have seen, the answer to the second question was yes. Lerchenfeld's situation, in contrast, bore a closer resemblance to that of religious who had professed too early: he had not, he claimed (probably truthfully), known about his Lutheran ancestors. Questions related to monastic orders' constitutions were partly factual. Did the Discalced Carmelite constitutions, for instance, explicitly exclude people with eye problems like Oddi's? As shown with particular clarity in the deliberations concerning Spadaro, theoretical issues also arose. Could constitutional provisions intended to protect an order from accepting recruits unfit to serve as friars be adduced in favor of men who had entered under false pretenses and later attempted to obtain *nullitas professionis* and *restitutio in integrum?* Who had the authority to release religious in cases of this kind: the SCC, monastic superiors, or cardinal protectors? Solutions to these far from straightforward theoretical problems had to be worked out in each individual case—hence the differing outcomes of proceedings for release from monastic vows taken in violation of orders' constitutions.

Leaving the Monastery for the Secular Priesthood

After professing monastic vows, encouraged by their orders, virtually all full-fledged male religious in our period studied for the priesthood and were ordained to it.[110] From several points of view, regular clerics who were also priests were valuable commodities. To their orders, such men brought significant practical benefits. They could fulfill their monasteries' obligations to celebrate endowed memorial Masses and perhaps encourage donors to

109. On 19 May 1703 the SCC ordered the examination of witnesses. LD 53: 223r, *DSCC,* 47. On 30 August 1704 it authorized Lerchenfeld's release. LD 54: 352v, Urs D 2.1: 169–72.

110. Rarely did lay brothers, men of humble social origins, become priests; their main occupation was going about seeking alms to support their monasteries.

establish more of them. Through confession, furthermore, they could influence lay penitents. The laity generally preferred ordained monks and friars to secular priests as confessors. The latter were often poorly educated, knew too much about their penitents to provide unbiased spiritual guidance, and occasionally solicited sexual favors from them.[111]

Monks and friars viewed entering the priesthood in various ways. For some, it was a vocation they genuinely wished to pursue, or at least so they claimed. Because the secular priesthood allowed them to remain "in the world," it might appear to be a way of life less attractive than remaining laymen and marrying—an option excluded by their relatives for patrimonial reasons, as we saw in chapter 3—but far more desirable than being constrained to live by monastic rules. Reluctant religions often frankly admitted that ordination amounted to acquiring an insurance policy: if and when they managed to shed the monastic status, unwillingly assumed, they were equipped to earn a living as priests. The necessity of meeting certain financial requirements, however, often rendered problematic their passage from the regular to the secular clergy. Several examples will illustrate the possibilities and problems of the secular priesthood as an alternative to monastic life.

Isidro Abreu spent more than thirty years fruitlessly attempting to leave the Observant Franciscan Order and become a secular priest. The elder son of a prosperous landowner in the Canary Islands, he was forced into religion by his father. In order to break the boy's will so that he would become a friar, Felipe Pérez de Abreu removed him from school, made him dress in peasant's clothing, and assigned him to backbreaking, socially inappropriate labor in the vineyards.[112] On 12 May 1701, four days after professing, Isidro filed a protest with his monastic superiors in Tenerife.[113] With the provincial's permission, he set off for peninsular Spain, where he was ordained as a priest, and then headed to Rome to appeal for release from his monastic vows. On the way, he was taken prisoner by a Dutch ship and transported to Holland. After almost four years, which included a sojourn in a Portuguese jail, he managed to return home.[114]

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111. Even in the eighteenth century, by no means all dioceses operated seminaries for training priests, mandated by the Council of Trent. On the long struggle to improve the cultural level and behavior of secular priests, see Prosperi, 302–13. Solicitation in the confessional in Spain is treated by Haliczer; in Italy, by Prosperi, 508–42.

112. Pos. 584 (7 February 1733), Canarien. seu OFM, Abreu, *Summarium* ([Rome]: Leoni & Mainardi, 1733), A1r-2r, notarized declaration by Abreu, 18 October 1714. My colleague David Haberly has lent an indispensible hand with Portuguese surnames and currency.

113. Ibid., A2r.

114. Ibid., A2v-3v, Abreu's *articoli,* n.d.

When Abreu finally reached Rome in 1715, he submitted a petition to the pope requesting permission to leave his order and take a job as a secular priest.[115] There was no financial obstacle to this plan, he explained. His grandfather Benito had established both a *fideicommissum* assuring him a patrimony and a chaplaincy into which he could eventually move.[116] On 22 June 1715, the SCC instructed Abreu's ordinary to conduct an investigation of the petitioner's claims, which his order opposed. Thirteen years later, the transcript had yet to arrive in Rome.[117] Once it did, in September 1731, it had to be translated into Italian.[118] Then the procurator of the Observant Franciscan Order had to be heard from.[119] In the end, the SCC held Abreu responsible for his long delay in petitioning the pope and interpreted his having served as a monastic preacher as equivalent to a tacit ratification of his profession. On 7 February 1733 the tribunal voted against releasing him from monastic vows and prohibited his appealing the decision.[120]

The next story features a perpetrator of the opposite sex, a speedy judicial itinerary, and a positive outcome. In the De Gennaro family of Naples, whose nominal patriarch was elderly and ailing, his wife, Angela Alfano, ruled the roost. After eight of her ten children had died, she vowed to the Virgin Mary that she would make her only surviving son, Giovanni Tommaso, a friar. This was not the career he had in mind. When he learned that she was secretly negotiating for his admission to the Mercedarian Order, he left home and wandered around the Kingdom of Naples. Unable to support himself, he returned to Naples, studied commercial arithmetic in an abacus school, and found a job in a government office. His mother flew into a rage and threatened to have him jailed or enrolled in the army. Finally, he acquiesced to becoming a Carmelite of the Ancient Observance on condition that when he had taken holy orders, he could leave the monastery and live in the world as a secular priest. Mother Angela agreed, promising to help him get out once he was ordained. Trusting in her assurance, he vested on 21 April 1719 in the Neapolitan house of Santa Maria della Vita, taking the monastic name Cirillo.[121]

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115. Ibid., A2v.

116. *Summarium,* A3r, Abreu's *articoli;* A4r-5r (testimony of Francisco Ianes Regalado Jr. (27 July 1716). Felipe Abreu had installed Domingo—his second son, whom he favored—in the chaplaincy. Domingo then went to the Indies, where he died on an unspecified date.

117. PRP 41 (31 July 1728).

118. LD 81: 530r (22 September 1731).

119. PRP 45 (24 May 1732).

120. LD 83: 65rv, *ThR* 6: 28–29.

121. Pos. 602 (12 February 1735), Neapolitan., De Gennaro, *Facti cum summario* ([Rome]: Leone & Mainardi, 1734), A10r-11r (testimony of Giovanni Tommaso De Gennaro, 11 October 1733).

The desperately unhappy novice, who tried several times to flee, let everyone know that he was averse to monastic life and did not intend to profess. With tears in her eyes, his mother begged him not to leave "because it was not an honorable thing [to do]" and renewed her assurance that she would help him get out once he was a priest. Before taking his vows on 11 May 1720, three weeks later than originally scheduled, he filed a notarized protest stating that he was professing under duress.[122] Proceeding rapidly through minor orders, he was ordained priest in Aquino in 1723 with an apostolic dispensation for being two years underage. After he said his first Mass, he reminded his mother of her promise to secure his release from the monastery. She laughed in his face.[123]

Angela Alfano's death in 1730 and De Gennaro's suffering a serious stroke two years later paved the way for an appeal. The proceedings moved rapidly, despite the fact that the petitioner's monastery filed a countersuit.[124] Archbishop Francesco Pignatelli's investigation, ordered by the SCC on 29 August 1733,[125] yielded abundant witness testimony unanimously confirming De Gennaro's contentions. On 12 February 1735 he was granted *nullitas professionis* and *restitutio in integrum*.[126] Given the precarious state of his health, it seems unlikely that he was able to take up a post as a secular priest.

Even if they obtained their patrimonies, by no means all the friars who hoped to leave monastic life and follow careers in the secular priesthood managed to obtain permanent positions, as the case of Giuseppe Borg demonstrates. He was born in April 1693 in Malta—the eldest of five offspring of Michele Borg, a merchant of Valletta, and his first wife—with a case of syphilis, either congenital or picked up from his wet nurse, which numerous medical men later confirmed. A year after his mother died in 1704, his father remarried; the couple soon had three children. As often happened in second marriages, the father and stepmother favored the younger set of children. In preparation for putting Giuseppe out of the way in a monastery, they beat him, kept him on short rations and in poor clothing, and removed him from school. When he was about seventeen, his father arranged for him to vest in an Augustinian Hermit house in Messina. Because Michele Borg was rich,

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122. *Summarium,* A4v, 19 April 1719.

123. Ibid., 11v-12v (testimony of De Gennaro).

124. Santa Maria della Vita was simultaneously contesting an appeal for release by one of De Gennaro's confreres, Filippo Coppola (Cristino Maria). For a comparison of these two cases, see Schutte, "Legal Remedies for Forced Monachization," 238–42.

125. PRP 48.

126. LD 85: 53v-54r, *ThR* 7: 17.

the friars were happy to accept his son. There, under the name Michelangelo, he unwillingly professed on 11 February 1711.[127]

About a year after taking his vows, Borg shed his habit and went home to Valletta. "Because it was very difficult to leave this port without the government's finding out," as his siblings Francesco and Carmina Maria put it, they dissuaded him from apostatizing definitively and attempting to flee by ship to some faraway place. They promised to assist him financially in seeking release from his vows.[128] Nothing could be done, however, unless and until his father repented and assigned him his patrimony. In Siracusa on 15 September 1715, Borg made a notarized statement of his unwillingness to be a friar; he protested to his provincial in 1722 and 1723. For more than two decades, he moved from one Sicilian house of the Augustinian Hermits to another, holding office on several occasions. In 1735 his father finally relented and gave him his patrimony.[129] Borg immediately went to Messina, where in 1736 the archbishop granted him *nullitas professionis.* In terms of the Tridentine decree, the archbishop's action was patently illegal, but such late releases were very common in Sicily.[130] Borg then petitioned the pope for *restitutio in integrum.* After he had obtained a long series of temporary permissions to celebrate Mass in Malta, on 22 September 1742 his request was granted by the SCC.[131] Two months later, the tribunal ruled that he could continue to celebrate Mass indefinitely at the bishop of Malta's pleasure.[132] Given the many procedural irregularities in his dossier and the fact that he had held monastic office, this outcome seems surprising. Perhaps the diocese of Malta was so short on priests that it needed every self-supporting celebrant it could find, whether or not he had a benefice.

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127. Pos. 699 (22 September *pars* 1 1742), Messenan. et Meliten., Borg, *Memoriale pro Reassumptione cum Summario post examinatione Oratoris in Repetitione Causae* ([Rome]: De Comitibus, 1742), A2r-5v (interrogation of Giuseppe Borg, 2 July 1742). Details on his syphilis come from *Summarium,* A8r-v (surgeons' and physicians' attestations).

128. Ibid., A7r.

129. A year later, on 25 June 1736, Michele Borg, who did not know how to write, dictated his confession to Paolo Vittorio Grammala, perhaps a notary. *Summarium,* A6rv.

130. In a letter of protest sent to the SCC on 6 July 1737, the procurators general of the Carmelites, Reformed Franciscans, and Capuchins asserted that the bishop of Catania was particularly prodigal in granting *nullitas professionis* to men who had professed long before in other dioceses without giving their ordinaries adequate time to respond or informing their monastic superiors. Pos. 699, two unfoliated manuscript leaves inserted in *Summarium* between A5v and A6r. For a list of men granted *nullitas professionis* by Sicilian ordinaries many years after their five-year window of opportunity had closed, compiled in 1740, see LD 40: 73–77v, 183r-84v. Borg's case dragged on in part because of problems with the secular government's granting the *exequatur* (acceptance of papal decrees).

131. LD 92: 570v, *ThR* 11: 163.

132. LD 92: 706r.

Antonio Pelusio of Lecce was less fortunate than Borg. In 1750, against his will, he became a Carmelite of the Ancient Observance under the religious name Teresio Maria. According to his father's longtime procurator, Domenico Cazzatelli, the slender means of the family's stern patriarch, the attorney Antonio Senior, did not permit the settlement of all his children (four sons and three daughters) "in an appropriate and decent state." It seems clear that the third-born son, Antonio Junior, was selected early for placement in a monastery. Dressed less well than his siblings, he was removed from a school run by priests and consigned by his father to educators in the Carmelite house of Santa Maria del Carmine, to which he provided legal services. Antonio told his eldest brother, Emanuele, who was in minor orders, that he too wanted to become a secular priest, not a friar. When Emanuele and the second son, Gregorio (later expelled from the family for marrying without permission), revealed their brother's aversion to the monastic state, their father beat the young man and made him take his meals alone in the kitchen. In May 1749, with great reluctance, Antonio entered the Carmelite novitiate. When he climbed out the monastery window onto the city walls and fled, he was promptly apprehended. His father beat him bloody with a cane. Shortly before professing a year later, he told Cazzatelli, in whom he regularly confided, that he firmly intended to file for release from his vows. First, however, he would take priestly orders so that he could "remain in the world in the paternal home."[133]

What eventually became of this petitioner the records do not reveal.[134] Sometime in 1756, Antonio Senior filed a notarized declaration stating that for the sake of his own and his son's souls, he would not oppose Antonio Junior's filing for release from his vows. Not long thereafter, he promised that if the SCC responded favorably to the suit, he would assign Antonio Junior a patrimony that "would yield the income that all other priests have and hold."[135] At the beginning of April 1757, the SCC voted in favor of Pelusio's request. In two subsequent actions, however, the tribunal ruled that the *processus* in Lecce must be redone to bring it into conformity with more

133. Pos. 935 (21 May 1757 *pars* 2), Aletin., Pelusio, *Summarium,* A1r-4v (testimony of Domenico Cazzatelli, n.d.). By the time of the diocesan investigation, Emanuele was dead; Gregorio, estranged from the family, was probably in Naples and did not appear. The youngest brother, Giuseppe, testified in Antonio's favor; it was he who mentioned their father's connection with the Carmelite monastery. Ibid., A7v-10r.

134. Pelusio's petition was contested by his monastery. Cosimo Matteo Costantini served as its *defensor professionis,* as he had done in Alessandro Renzi's case.

135. *Summarium,* A12r, n.d.; A12v-13r (2 December 1756).

stringent procedural requirements established a decade before.[136] There, in 1760, the paper trail on Antonio Pelusio peters out.

Eleven years later, an alternative to lengthy, expensive proceedings for seeking to transfer from religious orders to the secular priesthood suddenly and somewhat mysteriously reemerged. Between August and December 1771, at least fifty-five religious—mostly friars but also several Camaldolensian monks, two Jesuits, and a Theatine—obtained indults of secularization.[137] Their petitions offered a variety of reasons why they wished to pass to the secular priesthood: having been forced into the monastery, being too elderly and ill to remain in it, needing to support siblings and aged parents. Many took care to specify that they had already secured a patrimony or a benefice sufficient to support them. This was an ex officio procedure: after having consulted a man's monastic superior, the SCC's secretary simply instructed the ordinary to release him. Cardinals on the tribunal may have discussed at least briefly these requests for indults of secularization, but they apparently did not receive printed presentations from petitioners' lawyers and consider them over the course of several meetings.[138]

This new, expeditious procedure seems to have taken hold. From 1771 to 1793, only two religious seeking to become secular priests had to endure the long ordeal necessitated by the old procedure. On 10 August 1765, Stefan Teodor Denisko (Florentius) took vows as a Conventual Franciscan in his native city, L'viv.[139] Less than five years after professing, on 14 April 1769, he applied to his archbishop and local superior for *nullitas professionis,* claiming that fear of his father had compelled him to become a friar.[140] His case,

136. The favorable decree was issued on 2 April 1757. LD 107: 119r, *ThR* 26: 16. On 21 May 1757 and 6 December 1760, the SCC insisted that the *processus* be resubmitted in proper form. LD 107: 193r, *ThR* 26: 26; *ThR* 29: 148 (dated 20 December 1760—perhaps an error, for PRP 73 records the last action in the case on 6 December).

137. The indult of secularization was not an invention of the 1770s. After the suppression of small monasteries and male orders during the pontificate of Innocent X (1644–55), some of the displaced monks and friars were able to obtain indults and finance new careers as secular priests from the proceeds of suppressed houses. Boaga, 73–82. Modern dictionaries and encyclopedias of canon law, which concentrate almost exclusively on the period following the publication of the *Corpus iuris canonici* in 1919, shed practically no light on this issue. Only one such article is worth consulting: Palazzini, "Sécularisation."

138. See LD 121, in which petitions are grouped at the beginning of the volume (1r-18v); Pos. 1165 (31 August 1771 *pars* 1), Cong. SchP, Cong. Camald. seu Faventin., Cong. Camald. seu Lucan.; Pos. 1166 (31 August 1771 *pars* 2), petitions too tightly bound to read or count.

139. At the time of Denisko's profession and petition, L'viv (previously known as Lemberg, L'vov, and Lwów), now in Ukraine, was in the kingdom of Poland. In the first partition of Poland (1772), it was assigned to Austria.

140. Pos. 1225 (2 December 1775), Leopolien., Denisko, *Summarium* ([Rome]: Bernabò, 1775), A1r-2r.

opposed by his brothers and his order, wound its way slowly through the SCC. Witnesses presented conflicting evidence as to whether Antoni Denisko had in fact employed force and fear to make his son a religious. Some asserted that Antoni was determined to punish Stefan in this way for inspiring a band of schoolfellows to beat up a Jew.[141] Others, including Stefan's brothers Michał and Joachim, stated that on the contrary, the patriarch had opposed his son's becoming a friar; according to a confrere, Antoni had declared that "I have more right to my son than the priests do."[142] Dubious about the degree of fear (if any) inspired in Denisko by his father, on 2 December 1775 the SCC voted against his petition for release.[143] At some unspecified point between May 1769 and September 1774,[144] however, he had employed another strategy for getting out of the monastery: applying to Pope Clement XIV for an indult of secularization, which he received. The conflicting rulings left him adrift. "Neither a religious nor a layman nor a priest," as the papal nuncio to Poland informed the secretary of the SCC fourteen months later, Denisko was wandering around Poland in search of financial assistance in order to keep body and soul together and mount an appeal against the SCC's negative decision.[145] Whether he ever found a resolution to his dilemma the sources do not reveal.

Giuseppe Giovanni Pasquale Solinas (Angelo Maria), a Carmelite of the Ancient Observance in the Sardinian diocese of Ampurias, spent almost three decades attempting to gain release from his vows and a new career in the secular priesthood. Claiming that he had professed prematurely in a house other than the one in which he had spent a novitiate interrupted by frequent flights,[146] he appealed to his superior in 1758, two years after taking his vows.[147] A decade

141. Ibid., A3r-4r, Denisko's *articoli*.

142. Ibid., B2v (testimony of Tomasz Arestovicz, who had shared a cell with Stefan during their novitiate, n.d.). An unpleasant experience with his elder son, Józef, who had entered and then left the Jesuit Order, may have made Antoni suspect that Stefan would follow his brother's example. Ibid., A4r, Denisko's *articoli*.

143. LD 125: 395r-96v, 460r; *ThR* 44: 89–92, 97.

144. Clement XIV's papal reign began on 19 May 1769 and ended on his death on 22 September 1774. Rosa, "Clemente XIV, papa."

145. Pos. 1225, manuscript letter from Giovanni Andrea Archetti to Francesco Carrara, Warsaw, 5 February 1777. Unlike the overwhelming majority of monks and friars, Denisko had never taken priestly orders; thus the possibility of living on alms gained from saying Mass was not open to him.

146. As noted earlier, both canonists' writings and SCC practice acknowledged that in order to make a valid profession, a candidate must have served a complete novitiate (a full year in most orders, two in some) uninterrupted by flight or time spent outside the monastic house. See, e.g., Reiffenstuel, 3: 508–13.

147. Pos. 1414 (21 April 1787), Ampurien., Solinas, *Summarium* ([Rome]: Lazzarini, 1787), A1r-3r. Ampurias was the ancient name of Castelsardo, which lies on the northern coast of Sardinia.

or more later, he approached Clement XIV, whether to request *restitutio in integrum* or an indult of secularization is not clear. Because the pope died before taking action in the matter, Solinas's case passed to the SCC, which on 19 April 1777 authorized the ordinary to conduct an investigation. After the bishop's vicar general submitted the transcript to the king of Sardinia's viceroy in 1783, it went astray—perhaps, Solinas suggested, through the machinations of his confreres.[148] Three years later, he obtained his bishop's permission to go to Rome, where he approached the Penitentiary for an indult of secularization. Having spent all his money on paying to have documents translated and copied and meeting the expenses of travel, he begged that he be spared the ordeal of having to finance a full new set of legal proceedings; the procurator general of his order, he said, supported his plea.[149] In an audience with the SCC's secretary on 25 September 1786, Pius VI agreed that even though his case had not followed procedural requirements, it could go forward. On 21 January of the following year, the SCC voted in his favor.[150] Some months later, after struggling to make ends meet by alms gained from saying Mass, he gained approval to take up a chaplaincy in Nulvi, endowed in 1625 for a holder belonging to the founder's family.[151] At long last, the former Carmelite had secured his future in the world as a secular priest.

During the last forty-five years of the period covered in this book, the handling of appeals to the SCC for release from monastic vows—first in diocesan investigations and then by the tribunal in Rome—underwent two changes. From 1748 on, the implementation of Benedict XIV's constitution *Si datam* rendered proceedings more uniform and more rigorous. Beginning in 1771, the introduction of the indult of secularization brought about a significant reduction in the amount of time, effort, and expense on the part of petitioners' making and judges' dealing with requests for transfers from monastic orders to the secular priesthood. On the whole, however, the phenomenon of forced monachization exhibits more continuities than changes, as we shall see. Now let us examine some particularly complex legal-theological problems, consensus on which remained elusive.

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148. Ibid., A5r-6r, Solinas to Michele Pes, bishop of Ampurias, 8 April 1786.
149. Ibid., A8r-v, Solinas to Pius VI, Rome, September 1786.
150. LD 137: 128r-31r, *ThR* 56: 3–9.
151. Pos. 1414, Solinas, manuscript supplica, n.d.; approval noted on back.

Chapter 5

Contracts and Fear in Monachization and Marriage

Many young people forced into convents and monasteries would strongly have preferred to remain in "the world" and wed. Some of them—most strikingly, the Savoyard Marianne Williel, whom we will encounter shortly—had already exchanged promises of marriage with their loved ones when shifting parental strategies thwarted their plans. Although cause papers do not record their saying so explicitly, they must have envied full, half, and step siblings selected by their parents for marriage. The pill they had to swallow became even more bitter when a "favored" sibling taunted them. Recall the glee expressed by Francesco Gagnoni, an eldest son whose prospective inheritance was about to be fattened once again by his sister Maria Vittoria's involuntary monachization, about her impending vestition.

The modern assumption that young people destined for marriage were favored and those impelled into monastic life were disfavored is highly anachronistic. In the early modern era, elders on all social levels arranged marriages as well as monachizations, often without regard to their offspring's inclination or disinclination toward potential partners. Both before and after a marriage had been solemnized, someone paired involuntarily with a mate who was physically unattractive or handicapped, much older or younger, of unequal social status, uncongenial (ill-tempered, violent, spendthrift, inclined to one or more types of vice), or some combination thereof might pursue

legal means of escape in an ecclesiastical court.[1] To cite just one piquant Italian example from 1772, Maria Diana Viano, daughter of a wine merchant, resisted strong pressure to marry emanating from her father and his employee Biagio Macera, the spouse chosen for her, on the ground that the prospective groom was "short, dark-complexioned, and ugly." In the vicar general's court of Livorno, she contested Biagio's claim that they had exchanged valid promises of marriage and won her case.[2]

As suggested earlier, two closely related legal and theological concepts pertained both to monastic profession and to marriage. First, both were considered to be contractual arrangements. The frequently reiterated, deceptively simple principle of the contract concealed many ambiguities. What, for instance, was the difference between a valid contract and an invalid one? Could an initially imperfect contract be perfected at a later date by words or deeds that explicitly or implicitly ratified it? Then there was that protean concept, "fear" (*metus*). What forms did it assume? How severe did it have to be to invalidate monastic profession or marriage? Did it have a different impact on strong-minded and timid subjects, mature adults and adolescents, men and women? What constituted solid evidence that it had been induced? In the case of monastic vows, with which we are mainly concerned, if it persisted for more than five years after religious had reluctantly professed, were they justified in approaching the pope for legal relief once it had finally ceased? How soon thereafter must they present their petitions?

Monastic Profession as a Contract: Giuseppe Calisto, Francesco Spadaro, Marianne Williel

Among the principles invoked by attorneys in cases of forced monachization and marriage, one of the most important was the contract, a concept rooted in Roman law.[3] In the ceremony of profession, canonists and moral theologians unanimously maintained, a young person entering religious life (the party of the first part) made a contract with the order or house (the party of the second part).[4] Both parties, one an individual and the other a corporate

1. Particularly in the past fifteen years, the study of matrimonial litigation in early modern ecclesiastical courts has become a growth industry. On proceedings in Italian courts, see four volumes of essays edited by Silvana Seidel Menchi and Diego Quaglioni: *Coniugi nemici, Matrimoni in dubbio, Trasgressioni,* and *I tribunali matrimoni*.

2. La Rocca; quotation at 546.

3. On various types of contracts in Roman law, see Berger, 413–14, "Contractus."

4. Vows, of course, were also promises to God, but one-sided and unconditional ones. Jombart. Since God did not obligate himself to the professand, the relationship between them lacked the conditional character of a contract: "if I . . ., then you . . ." Hence promises to God played no part in attorneys' briefs and SCC decisions.

group, had to be acting voluntarily and with full knowledge of the situation.[5] If either the professand's pronouncing vows, the monastic house's voting to accept him or her into its ranks, or both were constrained by pressure from outsiders, or if one or both parties were ignorant of or had concealed the fact that some necessary condition—having reached the minimum legal age, being free of incurable disease—had not been met, then the contract was presumptively invalid.

Marriage, too, was a contractual arrangement. Since the late twelfth century, the Church had consistently maintained that unforced consent of the principals, the bride and groom, was essential to a valid spousal union.[6] The Tridentine decree on marriage, issued three weeks before the decree on regulars and nuns, introduced many changes. Best known are the provisions of chapter 1: the necessity of its being preceded by public announcements (banns) read by a parish priest during the Mass on three successive weeks; and the requirement that it be performed in or in front of the church by a priest serving the parish of at least one of the spouses.[7] These new provisions, which flew in the face of the time-honored lay understanding and multiform practice of marriage as essentially a secular transaction, would fuel disputes in ecclesiastical tribunals for many decades to come.[8] On the other hand, in chapters 1 and 9, the Council fathers unequivocally reiterated the principle that since marriage was a free contractual union between the principals, it must not be forced on them.[9]

Canon lawyers representing petitioners for release from their vows frequently referred to the contractual nature of the monastic profession, as several examples will show. In 1703, motivated by affection for his Discalced Carmelite brother Niccolò, the Neapolitan Giuseppe Calisto entered Santa Teresa, that order's house in the neighborhood of Chiaia, under the name Salvatore della Concezione. He deliberately neglected to tell his monastic superiors that from the age of seven, he had experienced seizures. None occurred during his novitiate, but after professing, he suffered from increasingly frequent attacks. At first, he and his confreres refrained, no doubt deliberately, from identifying his easily recognizable disease—either by its well-known medical name, epilepsy, or by one of the common Italian euphe-

5. Ibid., 770–71, "Voluntas."
6. Reid, 38–55.
7. *Conciliorum Oecumenicorum Decreta,* 755–56; *Decrees of the Ecumenical Councils,* 755–56.
8. Lombardi; Seidel Menchi, "Percorsi variegati, percorsi obbligati."
9. *Conciliorum Oecumenicorum Decreta,* 755, 759; *Decrees of the Ecumenical Councils,* 755, 759.

misms for it: "the ugly illness" (*il brutto male*) or "the falling sickness" (*il male caduco*). In order to avoid "the weight of our rigid observances" and in the hope of regaining his health, Calisto told a colleague, he applied to be sent on mission. Not surprisingly, given his medical problem, his superiors did not grant this request. In 1708, within five years of taking his vows, he decided to apply in the archiepiscopal court for nullification of his monastic vows. Misunderstanding his malady and believing that it would eventually disappear, an inexperienced superior blocked his appeal and compelled him to ratify his profession.[10]

Some eight years later, after he had finally accumulated sufficient funds to finance legal proceedings in Rome, Calisto appealed to the pope. The SCC mandated an investigation in Naples, which elicited abundant testimony about his epilepsy from the petitioner himself, his mother, two physicians,[11] and many fellow friars. Yet on 8 August 1716 and again on 2 July 1718, the cardinals ruled against him.[12] The last of four printed submissions made by his Roman attorneys, who included Domenico Ursaya, may have contributed to changing their collective mind. Since Calisto could not afford to have new proofs gathered in Naples, the lawyers requested that the SCC reconsider those already in hand. In addition to reviewing the medical literature on epilepsy, they played the contract card. Monastic profession, they insisted, was a contractual arrangement. If the party of the first part had mental reservations or a problem that disqualified him from professing, that contract was ipso facto invalid.[13] Perhaps it was this reminder that persuaded the cardinals to reverse their previous decision. On 3 September 1718 they voted in favor of Calisto's release.[14]

A few years later, as we saw in chapter 4, a rash of petitions for release on medical grounds emanated from members of the Capuchin Order in southern Italy. In his summary regarding the epileptic Francesco Spadaro (Giovanni Francesco da Messina), prepared for the SCC's meeting on 8 July

10. Pos. 423 (13 August *pars* 2, 3 September, and 24 September *pars* 1 1718), Neapolitan., Calisto, *Restrictus Facti & Iuris* by Carlo Arnò, Macario Valenti, and Onofrio Pupi ([Rome]: De Comitibus, 1717), passim; *Summarium* ([Rome]: De Comitibus, 1717), esp. A1r-2r (testimony of the petitioner, 15 September 1715) and A7v-8r (testimony of Fra Girolamo Maria di San Barnaba, n.d.).

11. One of them, Matteo Pisani, who had treated him in the monastery of San Pancrazio in Rome, attested on 21 June 1715 that Calisto's attacks often occurred during religious functions in the choir, disturbing the other friars. Ibid., A6rv.

12. LD 66: 383v-84r, 68: 253r; *ThR* 1: 78.

13. *Secundus Restrictus Facti & Iuris* ([Rome]: De Comitibus, 1718), A1v-3r. See also Urs D 3.1: 44–47.

14. LD 68: 359r.

1724, Prospero Lambertini, the SCC's secretary, cited a lawyer's argument made in another case. Earlier that year, Domenico Lanfredini, "advocate of the poor," had represented the Capuchin epileptic Giuseppe Maria da Palliano. As he had noted, that order's constitutions prohibited epileptics from professing. Therefore, Lanfredini argued, "on account of deficient consent on the part of the order [that is, lack of knowledge that the professand did not meet its requirements], the profession must be null and void also on the professed man's part."[15] In neither of these cases, unlike that of Calisto, did the contract argument make a decisive impact. The SCC passed responsibility for resolving Giuseppe Maria da Palliano's situation to the Capuchins' protector, Cardinal Francesco Barberini.[16] The cardinals turned down Spadaro's petition on 8 July 1726; in the following year, they reaffirmed their negative decision and refused his request for a new hearing.[17]

The vast majority of petitions for release from vows were premised not on medical impediments but on involuntary profession brought about by agents employing force and fear. The factor of compulsion prompted attorneys to liken monastic profession to another type of contract that not infrequently involved a conflict between legitimate free choice and illegitimate constraint: marriage. Since the SCC was called on to adjudicate many more disputes about marriage (most initiated by a spouse who claimed that he or she had been compelled to wed) than claims of forced monachization, attorneys could count on the judges' familiarity with the literature and case law on marital matters.[18]

References to profession as a contract similar to that of marriage occur in many sets of cause papers, including three examined earlier in other contexts. As we saw in chapter 4, Girolamo Lorenzo Taliente entered the Reformed Franciscan Order in 1701 under the name and with the baptismal certificate of an older brother, Vito Antonio. After observing that spiritual marriage, like carnal marriage, was a contract, his attorney Marco Antonio Amalfitano argued

15. *ThR* 3: 44–46 (8 July 1724). The cause papers for Giuseppe Maria da Palliano have not survived.

16. LD 76: 298v.

17. *ThR* 3: 336, 4: 46.

18. The study of early modern marriage disputes, adjudicated for the most part in episcopal courts, has become a growth industry. For an excellent early example in English bearing on forced marriage, see Hacke, "'Non lo volevo per marito in modo alcuno'"; and in general on Venice, Hacke, *Women, Sex and Marriage*. See also relevant essays and bibliography in *Coniugi nemici, Matrimoni in dubbio, Trasgressioni,* and *I tribunali del matrimonio.* To my knowledge, the only scholar who has thus far published on the SCC's handling of a marriage case is Noonan, *Power to Dissolve.* Cecilia Cristellon is now at work on this subject.

that since the party of the first part (Taliente) was not the person he claimed to be, the contract made in his profession was null from the outset.[19] In the case of Eugénie-Marguerite and Anne-Marie Beauregard, who have made several previous appearances, it was Pietro Giacchi, the court-appointed *defensor professionis* charged with opposing their petition, who referred to monastic profession and marriage as contracts.[20] Lawyers for Girolama Falzon and Matteo Magri went further. Both marriage and religious profession, they argued, required free consent. Since entering a monastic order not only imposed a "harsher yoke" and more onerous obligations than marrying but practically extinguished the professand's freedom, entering it willingly was even more essential.[21]

In the early 1720s, Marianne Williel of Moûtiers (seat of the archdiocese of Tarentaise in French Savoy) agreed with her sweetheart, Louis Hospes, that as soon as he had completed his legal studies, they would marry.[22] Her father, Jacques, adamantly opposed this match and did everything possible to force his daughter into Sainte-Claire, the local Clarisse convent. Marie-Henriette Delachanel Varambon, a widowed neighbor whom he had secretly married not long after Marianne's mother's death, urged him to implement this scheme. She may in fact have devised it in order to ensure that at least part of Jacques's money and goods would pass to Jeanne-Françoise, daughter of her first marriage.[23] To escape her father's blows and death threats, as well as because she could not tolerate his heavy drinking and smoking, Marianne fled to Sainte-Claire, where she intended to remain as a boarder. Instead, the abbess and her maternal aunt, Soeur Marie-Christine de Ruffin, tricked her into vesting on 5 July 1722 and professing a year later.[24] In arguing Williel's case, her Roman lawyer, Giuseppe Donatuti, not only cited the pseudo-Ambrosian dictum,

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19. Pos. 361 (24 September *pars* 2, 12 November, and 3 December *pars* 1 1712), Brundusin. seu Oritan., Taliente, *Memoriale* ([Rome]: De Comitibus, 1712), unpaginated.

20. *ThR* 40: 30–31. Pos. 1153 (23 February 1771 *pars* 1), Gratianopolitan., Beauregard, *Animadversiones Facti & Iuris* by Pietro Giacchi ([Rome]: Bernabò, 1770), A1v. He quoted Tomás Sánchez, whose authoritative work on marriage is examined in detail in this chapter.

21. Pos. 281 (8 August 1705), Meliten., Falzon, *Summarium* (Rome: Reverenda Camera Apostolica, 1705), C1r (report of investigative team to Grand Master Ramón Peyrellos y Roccaful, 26 February 1701). Pos. 658 (28 February and 14 March *pars* 1 1738), Neapolitan., Matteo Magri, *Facti & Iuris* ([Rome]: Mainardi, 1736), A2v-3r. Both sets of attorneys cited, among other authorities, Tomás Sánchez and Lourenço Portel.

22. Pos. 617 (20 August *pars* 2 1735), Tarentasien. seu Monasterien., Williel, *Summarium* ([Rome]: Leone & Mainardi, 1734), B4v-5r (testimony of Louis Hospes, 14 August 1733). Their promise to marry in the future, though very likely not made in the presence of witnesses, was no secret in Moûtiers. Responding to questions framed by Williel's legal representatives, many people called to testify mentioned it.

23. Ibid., passim.

24. Ibid., A4v-6v (second interrogation of Marianne Williel, 13 October 1735).

"God wants a volunteer soldier, not a conscript."[25] He also stated the principle, by now familiar to us, that the key element in both marital and spiritual contracts was the young man or woman's unforced consent to entering into the relationship.[26] The findings of a particular congregation appointed to report on Williel's case and Donatuti's vigorous presentation of it, as well as the unusually active part Marianne played in articulating her position,[27] led the SCC to release her from her vows on 20 August 1735.[28]

On its face, the principle of monastic profession as a contract requiring free consent was not in the least controversial. As Francesco Saverio Zelada, the SCC's secretary in the 1770s, observed in summarizing the case of the Milanese Barnabite Pietro Antonio Mauro, "It is accepted as a rule that religious profession, known as spiritual marriage, must be free and voluntary."[29] Determining whether a petitioner had professed unwillingly, however, required members of the SCC to sift through two opposing sets of assertions: those in the affirmative, presented by religious seeking release, witnesses testifying in their favor, and attorneys; those in the negative, put forward by opponents of their release and their lawyers. Processing this evidence involved other legal doctrines on which experts were by no means in accord. Among these was the issue of ratification.

Explicit Ratification

In certain religious communities, particularly female ones (the Ursulines, for example), professed members were required formally to reaffirm their vows once a year, either orally or in writing.[30] In many others, such as the Carmelites of the Ancient Observance, doing so was mandated neither by the constitutions nor by custom.[31] Understandably, many reluctant religious resisted ratifying their professions—but not all of them. Let us look first at a few who for various reasons decided to do so.

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25. Pos. 617, *Litis & Facti* ([Rome]: Leone & Mainardi, 1734), 2r.

26. *Responsio* ([Rome]: Leone & Mainardi, 1735), A1r.

27. *Summarium,* A1v-3r: Williel's twenty-six-point statement of 13 August 1733 outlining her reasons for claiming, couched in the first person, bears no resemblance to the usual third-person *supplica.* Ibid., A4r-7v: during a second interrogation on 13 October 1733, she testified confidently, even aggressively.

28. LD 85: 321v, 323v; *ThR* 7: 112.

29. *ThR* 41: 179 (29 August 1772).

30. Pos. 801 (9 May 1750 *pars* 1 and 6 June 1750), Tullen., Charlotte Thiery, *Summarium* ([Rome]: Bernabò, 1750), A13v, testimony of the petitioner, n.d.

31. Pos. 359 (6 August *pars* 2 and 27 August *pars* 1 1712), Cremonen. seu Papien., Sacchi, *Summarium tertiae Facti* ([Rome]: De Comitibus, 1712), A1v.

Some young men ratified with a concrete objective in view. While in the Eternal City in 1678 to submit his appeal for release to the pope, and no doubt in conjunction with this objective, for instance, the Minim friar Francesco Mainardi ratified his profession in the refectory of the order's Roman house.[32] In March 1692 and again in September 1693, Antonio Maria da Canossa ratified his profession in order to obtain a *livello,* simultaneously making repeated public protests that a paternal uncle, Ludovico, had compelled him to become a Somaschan priest.[33]

It does not seem coincidental that some adolescent women, who, as we shall see, were universally considered to be even less resolute and courageous than males of the same age, did not decide but rather were compelled to ratify. At least two of them found themselves unable to withstand heavy pressure to do so. In the mid-1690s, threatened with perpetual imprisonment in her Augustinian convent in Spoleto, Barbara Epifania Nicolini (Maria Lucrezia) yielded to the insistence of two Lateran Canons, overseers of the house, and two fellow nuns that she ratify.[34] Around the same time, Giovanna Nigrelli Portocarrero, a Benedictine nun in Cefalù, succumbed to a threat by Fra Francesco da Naso, an expert and highly esteemed Capuchin confessor, to cease administering the sacrament of penance to her unless she ratified. She posed one condition, however: that reaffirming her vows not prejudice the legal proceedings under way for her leaving religious life.[35] Men, too, occasionally claimed that they had ratified by force. The Reformed Franciscan

32. LD 32: 174r-75v; Pos. 268 (20 September 1704), Anconitan., Mainardi, *Pro R. Francisco de Mainardis* (Fano: Francesco Gaudenzi, 1704), 4 (testimony of R. P. Francesco Medei da Jesi, 23 May 1703). This, by the way, is the only legal submission I have encountered that was not published by the SCC's official printer in Rome, and one of very few with page rather than signature numbers.

33. Pos. 185 (19 July and 9 August pars 1 1698), Mantuan. seu Veronen., Canossa, Pro ill.mo et excell.mo D. Bonifacio da Canossa, unfoliated manuscript (Agostino Cusani, papal nuncio in Venice, to the SCC, Venice, 11 August 1696). On 19 July 1698 the SCC reaffirmed the decree of *nullitas professionis* previously granted by the nuncio in Venice.

34. Pos. 180 (11 and 25 January 1698), Spoletan., Pro Barbara nunc Maria Lucretia Nicolini, Summarium, unfoliated manuscript, n.d. Her attempt to gain release ended in failure: on 11 January 1698 the SCC rejected her petition. LD 48: 2r.

35. Pos. 196 (27 June *pars* 2 and 18 July *pars* 1 1699), Cephaluden., Nigrelli, untitled manuscript, 39v, 43r (testimony of Suor Sigismunda da Ficalora, 4 November 1697; and Suor Barbara Pisciatelli, 5 November 1697). In the end, it did not. On 18 July 1699 the SCC granted her *restitutio in integrum*. It instructed the ordinary, furthermore, to proceed against her father, the judge Giacomo Nigrelli (LD 49: 252r)—in part, perhaps, because after using force at the same time (1682) to monachize another daughter, Isabella, he allowed her to gain release by petitioning in the royal court. In this decree, the cardinals also warned Isabella Martini Nigrelli, who had subsequently married and had children, "to think of her conscience." Isabella's account may be found in her undated testimony: *Summarium* (Rome: Reverenda Camera Apostolica, 1698), B8r-9r.

Domenico Francesco Lama of Sagona, for example, asserted in 1719 that his brother Lorenzo, who had pushed him into the monastery in the first place, had later induced him to reaffirm his vows.[36]

Several reluctant religious of both sexes took care to make clear that because their ratifications followed invalid professions, they were equally null and void. Testifying in 1701, Girolama Falzon stated that in the hope of one day having an opportunity to appeal for the annulment of her profession, she had never ratified it with her heart or mind.[37] With mental reservations and "only extrinsically," Giuseppe Calisto, the epileptic Discalced Carmelite encountered earlier, renewed his profession in 1708.[38] Anne-Marie Fauque, an Augustinian nun in Avignon, explained in 1745 that she had practiced a more ingenious tactic. Just as she had muttered her original vows so indistinctly that no one could understand what she was saying, when she participated in ratification ceremonies, she did not pronounce the required formula but merely mumbled "a few random words" (*alcune parole indifferenti*).[39]

A few desperate men and women resolutely refused to ratify their professions. In the late 1670s, Matteo Mambrini (Angelo Maria), a Capuchin in Venice, told Fra Leone, his confessor, that he had professed at his mother's insistence and did not have the heart to reaffirm his vows.[40] In the late 1730s, Leonor Lasso de la Vega's father, Pedro, who had compelled her to enter a Clarisse convent in Seville, urged her to ratify her profession. Leonor exploded in anger: "Don't you give me advice! For having thrust me into this [monastic] state, you're going to suffer in hell!"[41] Testifying in 1750, the Hospitaler of St. John of God Giuseppe Antonio Floriani

36. *ThR* 1: 155–56.

37. Pos. 281 (8 August 1705), Meliten., Falzon, *Summarium* (Rome: Reverenda Camera Apostolica, 1702), B7r.

38. Pos. 423, *Summarium* (full citation in n. 4), A7r-v.

39. Pos. 776 (10 February 1748), Avenionen., Fauque, *Summarium* ([Rome]: De Comitibus, 1747), A4v (testimony of Fauque, 21 October 1745).

40. LD 31: 246v-53r.

41. *ThR* 9: 55 (25 [actually 24] September 1740). Shortly after professing in 1735, Leonor applied for release to the secular government. Turned down in that forum, she approached Cardinal Luis de Borbón, archbishop of Seville, whose vicar general conducted an investigation and forwarded it to the SCC with a positive recommendation. Ibid., 54–56. On 3 December of that year the SCC voted no, then on 24 September 1741 passed the case back to the archbishop. LD 90: 269r, *ThR* 9: 81; LD 91: 667v-68r. He ruled that the evidence presented was insufficient to support her claim of having been subjected to "grave, atrocious fear." *ThR* 13: 209–10 (19 December 1744). After Leonor's case was proposed again to the SCC, her attorneys furnished a detailed financial report (complete with currency conversions) showing that contrary to Pedro's allegation, he could well have afforded a marital dowry appropriate to her social status. Finally the SCC voted to award her both *restitutio in integrum* and *nullitas professionis. ThR* 15: 88; 16: 14.

(Floriano) stated that as inspection of the records of his monastery in Naples would demonstrate and his friends would attest, he had frequently protested against his involuntary monachization and never ratified his profession.[42] According to Antonio Nicodemo, a Roman lawyer writing in behalf of the Carmelite nun Maria Antonia Cappella, she had never ratified her profession, contrary to the lies put into circulation by family members opposing her suit.[43]

Tacit Ratification

Whether reluctant religious had explicitly ratified their professions was seldom a controversial matter. Petitioners' statements that they had or had not done so were almost always accepted as truthful. In the series just examined, only the cause papers in the last one, Maria Antonia Cappella's, mention debate about whether she had reaffirmed her vows. Tacit ratification, in contrast, was a can of worms. From a twenty-first century point of view, this term appears at first sight to be an oxymoron: by saying nothing, how can a person reaffirm a previous declaration? In cases brought before the SCC, however, the maxim "Qui tacet consentire videtur" ("One who is silent is assumed to consent," or more succinctly, "Silence gives consent")—though never once quoted—seems to underlie the opinions of attorneys representing opponents of petitions, court-appointed defenders of the profession, and even some secretaries of the SCC.[44] To all appearances, they also endorsed the proverbial cliché, "Actions speak louder than words."

As we have seen, widespread lack of knowledge of the Tridentine five-year limit on appealing to the ordinary for release, and of the possibility of appealing to the pope thereafter, complicated the lives of many reluctant religious, women in particular. Ignorance about the ways in which they might fall into the traps of tacit ratification seems to have been widespread. Three sorts of actions—the first, strictly speaking, not really an action—could be and often were construed as amounting to tacit ratification.

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42. Pos. 846 (2 December 1752), Neapolitan., Fiorani, *Summarium* ([Rome]: Bernabò, 1752), A2r-v (testimony of Floriani, 26 May 1750).

43. Pos. 1044 (23 April 1763), Nolan., Cappella, *Responsio* ([Rome]: Bernabò, 1757), A2v; *Facti* ([Rome]: Bernabò, 1763), A2v. At this point, in a departure from the usual age rhetoric, Nicodemo calls Cappella a "tenacious woman" (*tenax mulier*).

44. I have not been able to identify the original source of this saying. In his entry "Silentium" Berger (707) observes that "sometimes . . . the silence of a person who in a given situation had to speak was regarded as non-opposition . . . and as such as a tacit consent." As explained earlier, it seems certain that the summaries in LD and *ThR* were composed by the SCC's secretaries.

One of these concerned the length of time petitioners had spent in monasteries and convents. In July 1689, for example, the SCC rejected the appeal of Ludovico Pagani, a one-time secular priest who had become a Reformed Cistercian in the diocese of Asti—a decision reaffirmed in the following year when the cardinals denied his second request for a new audience. Noting that the SCC's negative vote was unanimous, its secretary alluded to the main reason why: the ten years Pagani had spent as a monk, the cardinals believed, amounted to tacit confirmation of his profession.[45] More than half a century later, a defender of the profession made an identical claim about Charlotte Thiery. Her remaining in the Ursuline house at Commercy for many years and serving in offices there, Cosimo Matteo Costantini argued on behalf of the convent, constituted tacit reaffirmation of her profession.[46]

Naturally, Roman attorneys for petitioners were inclined to take the opposite view. Writing in 1731 on behalf of María Antonia Alfonsa Angulo Ramírez, Vito Angelo Cavaletti denied that her spending eight years as an obedient nun in the Cistercian convent of Málaga could be interpreted as a tacit ratification.[47] So on occasion did the SCC's secretary. In 1777, summarizing evidence presented in the case of a Reformed Franciscan from the diocese of Spoleto, Giuseppe Antonio Domenico Mimi (Agostino da Acquasparta), Secretary Francesco Carraro wrote that the petitioner could hardly have avoided behaving as an obedient friar who followed the rules; if he had not, he would have incurred punishment. Ratification, Carraro insisted, requires an external act. Before belatedly discovering that—bearing a baptismal certificate belonging to his deceased elder brother—he had professed almost two years too early, at which point he departed from the monastery, Mimi had never performed such an act.[48] Carraro's insight seems to have been a novel one. Had his predecessors and other legal professionals involved with the SCC held the same commonsense view, the length of time spent in a religious house would never have been considered evidence of ratification.

As suggested in the cases of Charlotte Thiery and many others, a second condition that, alone or more often in combination with others, could be interpreted as tacitly reaffirming monastic vows was holding office in a

45. LD 39: 284v.

46. Pos. 801, *Pro Monasterio Ursulinarum Oppidi Commercii contra Sor. Carlottam Thiery . . . Facti* ([Rome]: Bernabò, 1749), A4r.

47. Pos. 475 (15 May 1723), Malacitan., Angulo, *Facti* ([Rome]: Zinghi & Monaldi, 1723), A8v.

48. *ThR* 26: 176–77 (11 September 1777).

religious house. Whether it was depended both on who was drawing the conclusion and on other factors in a particular case. Writing in 1702 on behalf of Anselmo Marcone (Giovanni da Ripa), an Observant Franciscan in Chieti, his attorney Filippo Antonio Leonardo conceded that holding monastic office could in some circumstances be construed as ratifying; in this case, however, there was also ample evidence that his client had continually protested against his parents, who had forced him to profess.[49] Interpretations in the case of the Third Order Franciscan Matteo Magri shifted. In the rehearing of his case, the secretary of the SCC initially stated that his serving as prior, along with his ordination to the priesthood, constituted tacit ratification.[50] A year later, clearly influenced by the petitioner's attorneys' vigorous insistence that their client had not sought the office of prior and had only reluctantly accepted it in order to earn money for an appeal, Secretary Carlo Alberto Guidobono Cavalchini reversed himself.[51] Writing in 1748, Secretary Giuseppe Alessandro Furietti observed that Sebastiano Michele Giuseppe Maramaldo (Ludovico da Rodi Garganico) had professed as a Capuchin in the Manfredonia house in 1725 at an illegally early age. His holding office, therefore, could not have served to ratify a profession that was invalid in the first place.[52]

Because practically all male religious in this period took priestly orders, having done so constituted the most common of the three conditions construed as amounting to tacit profession, often in combination with one or both of the others. Among many possible examples, here are a few. At the end of the seventeenth century, a young man from the archdiocese of Turin, Camillo Roberti, was subjected by his guardian (a paternal uncle) to severe pressure that finally compelled him at age twenty to become a Conventual Franciscan under the name Francesco Antonio da Priola. Witness testimony left no doubt that his profession in 1677 was involuntary. Countering objections from his order to his effort to gain release (not extant in the cause papers), his Roman attorney Michele Francesco Bovio pointed out that abundant evidence attested to Roberti's having been forced and having protested continually. Neither his performance of his religious duties nor his becoming a priest, therefore, could rightly be interpreted as tacit ratification of his vows.[53]

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49. Pos. 238 (30 September 1702), Theatin., Marcone, *Pro P. Ioanne a Ripa contra Religionem S. Francisci Min. Observ., Memoriale & Facti* (Rome: Reverenda Camera Apostolica, 1702), A1v.

50. *ThR* 7: 239 (28 April 1736).

51. *ThR* 8: 25–26 (30 March 1737).

52. *ThR* 17: 9–10 (27 January 1748). In this case, there is neither a Pos. nor any indication that the SCC reached a decision.

53. Pos. 100 (19 April 1692), Taurinen., Roberti, *Memoriale cum Summario* (Rome: Reverenda Camera Apostolica, 1691), A2r. The SCC granted Camillo Roberti *restitutio in integrum* on

The case of Nicola Lispi dragged on from 1718 to 1735 amid threats of murder, charges that witnesses had been suborned, and witnesses' tardy admissions of having lied under oath. Lispi was born in the Umbrian town of Gualdo Tadino in February 1671; he studied at the seminary in Nocera and after completing his studies, worked as a teacher in Perugia.[54] In November 1714, when he was in his midthirties, his violent father, who assaulted him with farm implements and guns, compelled him to enter the novitiate in the Augustinian Hermit house of Foligno. A year later—unbeknownst to him, a few days after his father's death—he took his vows. Within a month, on the point of taking minor orders as a subdeacon, he filed a protest with his ordinary. As he stated in that document, he firmly intended to become a priest, using funds inherited from his mother and other relatives to support himself, and he proceeded to do so. In early July 1729, the SCC rejected his petition on the ground that his ordination to the priesthood amounted to tacit ratification of his monastic profession.[55] On appeal in 1734, he initially ran up against the same assertion. Then his attorneys managed to elicit a retraction on the part of a key witness, Fra Giovanni Battista Rossi, who admitted that contrary to an earlier assertion, he had not in fact informed Lispi of his father's death before he professed. The way was now clear for the cardinals to reverse their earlier decision. The contention that he had tacitly ratified his profession by becoming a priest faded into irrelevance, and on 10 September 1735 the SCC approved Lispi's petition for release.[56]

In the five years following its final decision on Lispi, the SCC considered three more cases in which ratification of profession by taking holy orders was an issue. On 4 August 1736 the petition of an Observant Franciscan, Filippo Onofrio Marcucci (Patrignano da Fabriano), who had yielded to compulsion emanating from his mother and paternal uncle, Nicodemo, was rejected on two grounds: tacitly verifying his profession by becoming a priest and failing to petition immediately after Nicodemo's death in 1733.[57] The Augustinian Hermit Nicola Palma had professed in 1714 in Ascoli Piceno. On 22 September 1736 the cardinals asserted that his becoming a priest and

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22 December 1691 and followed up with a decree of *nullitas professionis* on 19 April 1692. LD 41: 369r; LD 42: 241v–42r.

54. Loose manuscript sheets at end of Pos. 618 (10 September 1735), Nucerin. seu Fulginaten., Lispi.

55. LD 79: 305rv; *ThR* 4: 317–18.

56. LD 85: 335v; *ThR* 7: 122–23.

57. LD 86: 281v–82v, *ThR* 7:286–88; Pos. 628 (4 August 1736), Camerinen. et Fabrianen., Marcucci.

fulfilling his duties as a friar had served as a tacit reaffirmation of his vows.[58] Less than two months later, however, without explaining why, they approved Palma's petition for release.[59] Giuseppe Felice Cavalli (Cherubino del Santissimo Sacramento) of Asti was similarly fortunate. Apparently, persuasive evidence that force exerted by his father had impelled him to profess as a Discalced Carmelite and that he had protested early and often, along with his attorneys' argument that taking holy orders did not amount to tacit ratification, led the SCC to reach a decision favorable to this petitioner.[60]

The case of Antonio Pelusio (Teresio Maria), a Carmelite of the Ancient Observance in Lecce, which the SCC considered between 1756 and 1760, is the last in our series in which becoming a priest was represented as evidence of tacit ratification. The third son of Antonio Senior, he faced the same paternal intransigence as his two elder brothers. On account of his predilection for gambling and staying out late at night, the first, Emanuele, was forced into an Observant Franciscan house; the second, Gregorio, who married in Naples without obtaining his father's consent, was banished forever from the family. Antonio Senior removed his namesake from a school run by priests and sent him to study with the friars of Santa Maria del Carmine, whose attorney he was. Despite the fact that his son was an unsatisfactory student, he insisted, with the friars' cooperation, that he vest as a Carmelite—a decision against which Antonio Junior repeatedly protested, but to no avail. On 8 May 1750, after a troubled novitiate in Grottaglie, he unwillingly took his vows in the Lecce house.[61] At one point, he climbed out of a window onto the city walls and fled, but he was soon captured and taken back to the monastery.[62]

From childhood on, like many another offspring destined for life in religion, young Antonio had been treated in a harshly discriminatory fashion: dressed less well than his siblings, he was forced to take his meals alone in the kitchen. Nonetheless, after professing, he told a number of witnesses that he intended to take priestly orders so that "he could remain in the world in the paternal home."[63] In his view, evidently, this domicile would be preferable to the

58. *ThR* 7: 323 (22 September 1736).

59. *ThR* 7: 336 (17 November 1736). Since there is no Pos. for Palma, it is impossible to surmise what evidence and legal arguments motivated the SCC's change of mind.

60. LD 89: 73v; *ThR* 9: 34; Pos. 658 (14 March 1739), Asten., Cavalli, *Restrictus Facti & Iuris* ([Rome]: Mainardi, 1738), A7r–8v.

61. LD 107: 83v–84r, *ThR* 26: 15 (12 March 1757).

62. Pos. 935 (21 May 1757 *pars* 2), Lycien., Pelusio, *Summarium* ([Rome]: Bernabò, 1757), A3v–4r, A9v (testimony of Domenico Cazzatelli, Antonio Senior's procurator; and of Giuseppe Pelusio, Antonio Junior's brother, n.d.).

63. Ibid., A4v (testimony of Domenico Cazzatelli).

monastery, no doubt because his enhanced status would now render him less vulnerable to his father's bad treatment. After attaining the rank of deacon, the penultimate step in becoming a priest, he appealed to his bishop for release from his monastic vows.[64]

Only once in Pelusio's dossier—in a brief prepared by the defender of the profession, Cosimo Matteo Costantini—do we encounter the claim that the petitioner's taking holy orders constituted a tacit ratification of his monastic profession.[65] Evidently the SCC rejected this contention, for the cardinals voted on 2 April 1757 to release Pelusio from his vows, a decision confirmed on 21 May and again on 6 December 1760, after the *processus* had been redone to meet the requirements of *Si datam*.[66] Does this indicate that tacit ratification by becoming a priest was fading from the scene as a viable concept? That would be a hazardous conclusion. Here again, particular circumstances probably dictated the outcome of the case. The key element would appear to be Antonio Senior's backing down. On 2 December 1756 he attested in the episcopal curia of Lecce that if the SCC released his son, he would assign him property yielding the amount of income enjoyed by secular priests.[67]

Fear and the Theologians: Tomás Sánchez and Lourenço Portel

The conjoined terms "fear" (*metus*) and its usual precipitant, "force" (*vis*), appeared in Justinian's Code in the mid-sixth century, long before forced monachization became a problem.[68] Once it had appeared on the scene, what did the many early modern moral theologians and canonists who used the term, and the lawyers who cited them, mean by "fear in the literal sense of the word" (*iustus metus*)? How did they differentiate it from another type, "reverential fear" (*metus reverentialis*)? And how did they assess the impact of fear on young men and women? Anyone seeking to answer these questions had to take into account the views of the Spanish Jesuit Tomás Sánchez

64. Ibid., A12v (testimony of Antonio Pelusio Junior).

65. Pos. 935, *Pro Ven. Conventum RR. PP. Carmelitis S. Mariae Lycien, & litis &c. contra Rev. P. Theresium Pelusium, Facti* ([Rome]: Bernabò, 1757), A2v.

66. LD 107: 119r, *ThR* 26: 16 (2 April 1757); LD 107: 193r, *ThR* 26: 26 (21 May 1757); *ThR* 29: 148 (6 December 1760).

67. *Summarium,* A12v–13r.

68. In Roman law "*metus* is defined as 'a trepidation of mind because of an imminent or a future danger' (*Digest* 4.2.1), but not any fear, 'only the fear of a greater evil.'" Berger, 581–82. "*Vis* (the use of physical force or moral compulsion by one person against another) might provoke fear (*metus*) in the latter. Hence the two elements 'force and fear' (*vis et metus*) are mentioned together in discussions of the influence of *metus* on legal transactions (*Digest* 4.2, 43.16; *Codex* 2: 19, 8.4, 5)." Ibid., 768.

(1550–1610), whose massive *De sancto matrimonii sacramento disputationum libri tres,* first published in 1602–5 and often reissued thereafter, long remained the standard work on marriage, and by extension on monachization as well.[69]

Sánchez began by identifying five kinds of fear: concussive (impelled by shaking), impressive (inflicted by whipping or imprisonment), suspicious (occasioned by a credible threat of physical force), perfidious (brought about by treachery), and silent and reverential.[70] For fear to qualify as "grave," "dreadful," or "horrible" (*gravis* or *atrox*), Sánchez and all other canonists concurred, it had to be strong enough to overcome a "steady man" (*vir constans*). Pope Alexander III (r. 1159–81) first enunciated this concept in his decretal *Veniens,* which addressed the issue of whether a certain unnamed man had been compelled by force and fear to marry. By the sixteenth century, if not before, the criterion was invoked also in cases of forced monachization. To put it in terms familiar to Anglophone readers, the "steady man" is "a fictional man of average fortitude who served in fear cases much as a 'prudent man' is used to measure negligence in modern tort law."[71] Mature and courageous (as opposed to immature and pusillanimous), the "steady man" could identify a peril facing him, evaluate realistically the likelihood of its occurring, and make a rational decision to avoid it by opting for the lesser evil—for instance, by becoming a religious rather than risking death at the hands of his father.[72]

As explained in chapter 4, "reverential fear" was an entirely different matter. This term connoted the respect and deference young people owed to their elders, wives to their husbands, and servants to their masters. It also included apprehension about giving their natural superiors pain.[73] This proper and indeed obligatory sentiment—an appropriate response to the normal exercise of *patria potestas*—bore no resemblance to "grave," "dreadful," "horrible" fear. According to many canonists, contracts made by those marrying or professing under the influence of "reverential fear" were perfectly valid, although Sánchez acknowledged some disagreement on this issue.[74]

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69. First edition (Geneva: Giuseppe Pavone, 1602); last edition (Viterbo and Venice: Niccolò Pezzana, 1754). Here I cite the edition published in Venice in 1712. In my exposition of Sánchez, I am indebted to a recent analysis by the legal scholar Giuliano Marchetto.

70. Sánchez, 1: 247 (Liber 4, Disputatio 1, par. 8).

71. Noonan, "The Steady Man," 654; reprised with slightly different wording in his *Power to Dissolve,* 28.

72. Sánchez, 1: 247 (Liber 4, Disputatio 1, pars. 9–12. In his analysis of the "steady man," Marchetto (274–82) notes that the concept originated with Thomas Aquinas.

73. Berger, 684, "Reverentia"; Osterlé, 332–34.

74. Sánchez, 1: 257 (Liber 4, Disputatio 6, pars. 17–18).

In some instances, Sánchez maintained, normal "reverential fear"—a standard feature of the relationship between an "active subject" (usually the father) and his "passive subjects" (wife, children, servants, slaves)—metamorphosed into something different and much worse. An austere, cruel *paterfamilias* who routinely terrorized those under his control went far beyond the limits of his *patria potestas,* becoming in effect a tyrant. Such a tyrant did not need to exert physical force in order to bend his terrorized subordinates to his will; psychological means sufficed. This was particularly the case with adolescent children, who had no choice but to enter involuntarily into the marital and religious contracts on which their elders insisted. As a historian of law summarizes Sánchez's point, "The rigid, cruel father, then, could condition his children's will in such a way as to render annullable the contracts into which the young people entered under his influence, even in the absence of explicit threats or beatings."[75]

Another moral theologian often quoted in cases of forced monachization, the Portuguese Observant Franciscan Lourenço Portel (1541–1641), framed the question differently. Rather than positing the transformation of one type of fear into another in the hands of a tyrannical *paterfamilias,* he focused on the difference between the circumstances—marriage and monachization—in which "reverential fear" played a role. "The religious state," he argued, "involves a tie more rigid and strong than that of worldly marriage; that is why greater freedom is required in the former than in the latter. And thus, although mere reverential fear is not considered enough for annulling a temporal marriage, it is in any case sufficient for determining that a profession is null."[76]

Fear as a Factor in Monachization: Girolama Falzon

The petition of Girolama Falzon, which came before the SCC in 1700, takes us into the distinctive social and ecclesiastical world of Malta.[77] Her cause papers feature testimony not only from the usual array of witnesses—members of the petitioner's elite family, fellow nuns, members of the clergy, neighbors—but also from numerous servants, most of them current or former

75. Ibid., 1: 255–59 (Liber 4, Disputatio 6); Marchetto, 282–88; quotation from 286.

76. Pos. 281 (8 August 1705), Meliten., Falzon, *Summarium* (Rome: Reverenda Camera Apostolica, 1702), C1r. The citation was drawn from a book I have not been able to locate: Portel's *Responsiones aliquorum casuum moralium, spectantium praecipue ad personas regulares ac etiam saeculares* (Lisbon: Petrus Craesbeeck, 1630–39; several subsequent editions), casus 22, no. 2.

77. In SCC sources, her last name is spelled in several different ways. I have opted to use Falzon, the modern Maltese form.

slaves. Sant'Orsola, the convent in which she professed against her will, was affiliated with the Hospitalers of St. John of Jerusalem (Knights of Malta) and subject to the grand master of that order, the island's ruler, rather than to the ordinary, the bishop of Malta. Despite the fact that both the grand master and the bishop were Knights of Malta, they did not always see eye to eye, as we shall soon discover.

Born in Vittoriosa (just south of Valletta, the capital city) in 1659, Girolama was the eldest child of Federico Falzon, a doctor of laws. According to his wife and all other witnesses, Federico ruled his family with an iron hand.[78] When Girolama was around eleven, he rejected a proposal that she marry Baldassare Cassar, her maternal aunt's husband's brother. As he declared to all and sundry, "he planned to give the first of his offspring to His Divine Majesty."[79] Girolama's maternal grandfather, Giovanni Francesco Gauci, and her mother, Gratiulla, protested to Federico that since his daughter was averse to becoming a nun, forcing her into a convent would be a terrible mistake. In response to his father-in-law's objections, a neighbor recalled, he articulated the extreme version of patriarchal power: "he was the master, and as the girl's father, he could dispose of her as he wished."[80] Dismissing his wife's protests, he declared, "You're a woman, and it's not your business to interfere in these matters."[81] When Gratiulla related to her husband Girolama's suggestion that they seek advice on the matter from her godfather in Rome, Cardinal Girolamo Casanate, Federico (to put it in her own words) practically ate his wife alive.[82]

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78. According to one witness, Girolama stated that Federico "behaved like a tyrant and not like a father." *Summarium* (Rome: Reverenda Camera Apostolica, 1702), C2v-3r (testimony of the priest Mosé Navarro, 13 September 1700).

79. Ibid., B2v (testimony of Diego Cassar, 12 August 1699). Falzon's words misleadingly recall early medieval oblation: parents' donating infants and very young children to monasteries and convents. Outlawed in 656 by the Tenth Council of Toledo, which ruled that current oblates were free to depart from religious houses once they reached puberty, the practice disappeared from the scene. http://www.newadvent.org/cathen/1118a.htm (Oblati). In the early modern period, adults who donated themselves to religious houses without taking vows were termed oblates; beginning in the nineteenth century, some new congregations of men and women took this title.

80. *Summarium,* B2r (testimony of Antonia Baldacchino, 12 August 1699).

81. Ibid., B4r-5v (testimony of Gratiulla Gauci Falzon, 25 May 1700).

82. The Neapolitan Casanate (1620–1700) must have met the Falzon family during his brief tenure as inquisitor in Malta around the time of Girolama's birth. Before being named cardinal in 1673, he served as secretary of the SCER; later, he was a member of the SCC. Founding and endowing the Casanatense Library constituted his most significant achievement. Miranda, http://www.fiu.edu/~mirandas/bios1673.htm#Casanate. On Federico Falzon's reaction to the idea of consulting Casanate, see *Summarium* (1702), C4v-5r (testimony of Gratiulla Gauci Falzon, 22 September 1700).

On 9 September 1675, four or five years after Federico Falzon had consigned Girolama to the convent of Sant'Orsola, where at least three of her female relatives were nuns, she reluctantly took the habit.[83] Her father made only one concession designed to lessen her distaste for monastic life: to keep her company, he placed her sister Caterina in the same convent.[84] A year later, Girolama professed. Fear of her father prevented her from making any formal protest until after his death on 15 March 1699,[85] at which point she promptly petitioned the pope. As usual, he passed the matter to the SCC, which duly ordered that information be sought from the bishop and the grand master of the Knights of Malta.[86]

At the order of Grand Master Ramón Peyrellos y Roccaful, several members of the order, assisted by a lay assessor, interrogated fifteen witnesses and the petitioner.[87] In their report to the grand master, submitted on 26 February 1701, the investigators concluded that beyond a shadow of a doubt, the profession of Girolama Falzon, who had always been averse to becoming a nun, "was forced and accompanied by fear of her father." Drawing from the writings of the jurist Pietro Paolo Parisio (1473–1545), they invoked the pseudo-Ambrosian dictum. Then, albeit without specifically mentioning the word "contract," they cited Lourenço Portel.

Only once, in passing, do the cause papers in this case refer to Tomás Sánchez's treatise.[88] His profile of a tyrannical *paterfamilias,* however, fit to perfection the personality and behavior of Federico Falzon, described most fully by his widow, Gratiulla Gauci Falzon. "When he wanted something [done] in the house, it was necessary that it be done," she testified on 5 May 1700. "For my part, I tried to satisfy all his wishes, and I never dared to oppose them." Not surprisingly, her daughter was even more frightened and therefore disinclined to disobey her father.[89] Although Gratiulla mentioned Federico's slapping Girolama on one occasion,[90] neither she nor any other witness provided a circumstantial account of his systematically wielding the

83. Ibid., C8v (report of David Cocco Palmeri, bishop of Malta, 3 February 1701). On vesting, Girolama retained her secular first name. Her relatives in the convent, called "aunts," were actually cousins once removed.

84. Pos. 281, unfoliated manuscript material (testimony of Diego Cassar, 6 October 1700). Caterina, her sister, took the monastic name Elisabetta.

85. Ibid., loose manuscript sheet.

86. PRP 13 (26 June 1700).

87. *Summarium* (1702), A5r-B7r.

88. Ibid., C1r (report of Grand Master Peyrellos y Roccaful's investigators, 26 February 1701).

89. Ibid., B5v (testimony of Gratiulla Gauci Falzon, 25 May 1700).

90. Ibid., B5r.

sorts of force that featured prominently in many other cases: food deprivation, isolation in dark rooms, explicit threats of death by sword or gun, and the like.[91] He did not need to; psychological intimidation accomplished his purpose. Suor Clara Barbara, a nun in Sant'Orsola who knew the Falzon family well because she was related to them, supplemented this portrait. Federico was rigid, said she, "not because he was a bad man . . . but because he did not behave with familiarity," thus inspiring fear in all members of his household.[92]

Girolama Falzon could obviously not be considered a "steady man," able to choose calmly between alternatives—first of all, because of her gender. As the report to the grand master put it, "here we are dealing with a poor [in the sense of pitiable] woman, of weak and cowardly nature, from whom less is to be expected than in the case of a man."[93] This differential standard, a threshold of resistance to force and fear lower for women than for men, was brought forward in innumerable other cases. For example, in support of the petition for release filed by Vincenza Diaco of Nicastro, who in 1710 had been compelled by her parents to enter a Clarisse house, her attorney Lorenzo Anfossi argued that "the quality of the female sex" must be taken into account. As the many canonical authorities whom he cited concurred, "less fear is required to intimidate them [women], and particularly those of a tender age, than [to cow] men."[94] Representing Anne Le Clerc of Chalon-sur-Saône, thrust into a Dominican convent in 1713 by her mother and brother, the lawyers Antonio Flavio de Sanctis and Giuseppe Pedicone stated with assurance that the fear induced in the petitioner met the criteria appropriate for women.[95] Pietro Saccomandi, attorney for Marie-Françoise-Placide Hoverland, also articulated this principle, adding that the force inflicted on

91. The cause papers contain a few passing references to "force and fear not only reverential but also concussive," as Falzon's procurator claimed to the grand master at the time she petitioned for release. Ibid., A4r (Onorato Carbone to Peyrellos y Roccaful, before 23 May 1699). None, however, is buttressed with details.

92. Ibid., A6r (testimony of Suor Clara Barbara, 12 August 1699). Another nun, the *gratiera* (responsible for surveillance in the convent parlor), was present when Federico Falzon came to visit his daughter; she reported that although he behaved courteously, he inspired fear in her. Ibid. (testimony of Suor Ubaldesca Bonamico, 12 August 1699).

93. Ibid., C1v (report of grand master's investigative team, 26 February 1701). This and the issue of age are prime examples of what Mary Lindemann (135) terms "twining in 'other, larger cultural stories'."

94. Pos. 447 (7 December 1720), Neocastren., Diaco, *Stantibus &c. Dubium=An sit restitutione in integrum in casu* ([Rome]: De Comitibus, 1718), A3v-4r.

95. Pos. 574 (26 April and 10 May 1732), Cabillonen., Le Clerc, *Summarium* ([Rome]: Leone & Mainardi, 1732), A1v.

this petitioner by her mother would have intimidated even a boy.[96] No attorney disputed the doctrine of gender difference, and the SCC fully accepted it. In 1744 that body's secretary summarized the case of Feliciana Britto of Lisbon East, who at age five had been placed by her parents in the Dominican convent of Santissimo Salvador and compelled to profess there around 1708. "It has long been recognized by all," wrote Giuseppe Alessandro Furietti, "that in this matter there is a difference between women and men": weaker minds in feebler bodies render females much more vulnerable than males to force inducing grave, frightful, or horrible fear.[97]

As Grand Master Peyrellos y Roccaful reported to the SCC on 14 March 1701, the transcript of his delegates' interrogation of witnesses, including the plaintiff herself, supported a finding that Girolama Falzon had been subjected to a degree of fear that justified her release.[98] The cardinal-members of that body, however, had to take into account as well the opinion of her ordinary, who had also been ordered to conduct an investigation. Although the witnesses his vicar general heard unanimously testified that Falzon had indeed been forced to become a nun, Bishop David Cocco Palmeri, Knight of Malta and holder of a degree in civil and canon law, reached a different conclusion. In his report to the SCC, he argued that no compelling evidence had emerged indicating that Federico Falzon had exerted force and fear on Girolama. The very idea that a learned man like Falzon would have put his soul at risk by shoving his daughter into the convent when he could easily have afforded to marry her off, the bishop averred, strained credibility.[99] After ordering that the witnesses be reexamined and reviewing the new transcript,[100] on 15 September 1703 the SCC ordered that Girolama Falzon be restored to lay status.[101] A jurisdictional problem then arose: which authority, the bishop or the grand master, should effect her release by issuing the decree of *nullitas professionis?* Two years later, taking account of numerous previous precedents and papal rulings furnished by Falzon's attorneys that attested to the grand master's sole responsibility for the convent of

96. Pos. 904 (6 December 1755), Cameracen., Hoverland, *Responsio,* A3r.

97. *ThR* 13: 21 (25 January 1744).

98. Pos. 281, *Summarium* (1702), C8v (letter of Peyrellos y Roccaful to the SCC accompanying transmission of transcript, 14 March 1701).

99. Ibid., C8v-10r (Cocco Palmeri to the SCC, 3 February, 1701). On Cocco Palmeri, see *HC* 5: 264.

100. PRP 16; LD 53: 413r; Pall 472 (18 November 1702).

101. PRP 16; LD 53: 413r; *DSCC,* 99; Pall 472.

Sant'Orsola, the SCC assigned that responsibility to Peyrellos y Roccaful, who promptly complied.[102]

Age: Bernardino Gasparini, Lucrezia Filomia, and Others

An additional facet of the "constant man" concept in cases of forced monachization was age. Could adolescents in their early or middle teens when they entered religious houses—and often much younger when initially subjected to force inspiring fear intended to drive them there—be considered adult, and therefore "steady," men and women able successfully to resist their forcers or to resign themselves calmly to following the course of least resistance? Certainly not, argued their attorneys, who took great pains to stress their male clients' immaturity at the time they were compelled to enter religious life. They routinely described young men as being "of tender [most tender] age" and "timid [most timid]," that is, lacking adult judgment and fortitude.

According to his Roman lawyers Antonio Maria Morelli and Muzio Virgili, Diego Manuel de Canencia de Alcalá was "a very light-minded youth (*iuvenis*), and at the very tender age of fifteen." His "fierce and rigid mother," therefore, did not have to employ extraordinary means in order to push him into the Dominican Order.[103] The local lawyer representing Francesco Alessandro Castellazzo of Milan, an orphaned natural son compelled by his uncle to become a Servite friar, asked that witnesses in the diocesan investigation respond to the statement that his client "was timid by nature and not fit to resist any sort of threat."[104] They duly confirmed it. Bernardino Gasparini of Camaiore—obligated by his father, a military officer, to enter the Observant Franciscan house in Porto Maurizio (diocese of Albenga), a long journey across the sea from his home in the Republic of Lucca—was characterized by his lawyer as follows: "It [the circumstances of force and fear] had to do with a boy (*puer*) of a still feeble age, whose judgment was weak and infirm." Note that for a client in his early or middle teens, the attorney took care to employ the word "boy" rather than "adolescent" (*adulescens*) or "youth" (*iuvenis*). He wished to make absolutely clear that Bernardino, a mere child,

102. PRP 18; LD 55: 293v-94r; *DSCC,* 393–94; Pall 440–41, 472.

103. Pos. 263 (13 June 1704), Toletan., Canencia, *Restrictus facti & iuris* ([Rome]: Reverenda Camera Apostolica, 1704), unfoliated.

104. Pos. 279 (6 June 1705), Mediolanen., Castellazzo, manuscript articles on behalf of the petitioner, unfoliated.

could not possibly have withstood his father's harangues, beatings, and threats to reduce him to peasant status if he refused to become a friar.[105]

Given universal acceptance of the differential standard for women, female monachands' immaturity seldom seems to have necessitated mention. The case of Lucrezia Filomia, a Clarisse in Muro Lucano, whom we met briefly in chapter 4, furnishes an exception to this generalization. Her attorney, Paolo Chiaramonte, stated that "on account of her timid nature [and] tender age," she could find no one to help her resist forced monachization.[106] No doubt Chiaramonte was building on testimony previously elicited from several witnesses, including Abbot Donato Filomia, Lucrezia's paternal great-uncle, who described her as "the most timid girl in the world."[107] Testifying at age nineteen, Lucrezia contrasted her present maturity with her immaturity of a few years earlier. "If I had possessed as much capacity and judgment then as I do now, I would not have let myself be trapped. I would sooner have killed myself than make that profession. Nor would I have let my hair be cut, allowed myself to be fooled, and had so much fear of and reverence for Monsignor Bishop [Alfonso Pacelli, her maternal uncle], who adhered to the wish of the said Abbot Don Donato and my brother Antonio [that I be consigned to the convent]."[108]

Particularly clear, succinct general statements about the issue of age came from attorneys for two petitioners. Clemens de Georgeis, representing Nicolas Du Pont of Toul, asserted that his client's mother had exerted force and fear sufficient to justify his release, "especially because we are dealing with fear inspired in a minor, and this subject was sixteen, at which point less fear is required than in the case of someone who has reached the perfect age of majority."[109] Domenico Raimondo and Generoso Petrarca, representing the Franciscan Tertiary Rosa Luciana Rebello of Braga, wrote: "Strength of mind

105. Pos. 168 (18 August 1696), Albinganen., Gasparini, manuscript Summarium, unfoliated; the attorney's name is not given.

106. Pos. 2 (29 November and 20 December 1681), Muran., Filomia, printed submission lacking title page.

107. *Summarium* ([Rome]: Reverenda Camera Apostolica, 1681), A5v. As we saw earlier, this was self-interested hyperbole: Abbot Donato had forced his grandniece into the convent but then, after both her brothers died, changed course and tried to get her out. Eight more witnesses responded affirmatively to the statement that Lucrezia was timid and taciturn; a few others dissented.

108. Ibid., manuscript Processus coram subdelegato, n.d., 38v.

109. Pos. 286 (9 and 23 January and 6 February 1706), Tullen., Du Pont, manuscript Summarium, n.d., unfoliated. By "the perfect age of majority" the attorney probably meant twenty-five, the age at which, according to the civil law, men and women in most (but not all) places could wed without their parents' permission.

is not the same at every age. The mind is infirm in adolescence, extremely infirm in childhood, but it becomes firmer with experience and age."[110]

Delayed and Timely Petitions: Marie-Françoise-Placide Hoverland and Vinsentiius Iosifus Zenniovskii

Even when attorneys mustered abundant evidence about their clients' immaturity and consequent susceptibility to fear around the time of their monachization and made what seem to us persuasive arguments in favor of their release, the SCC did not always agree. This was particularly true of petitions filed many years after profession, which raised questions about the duration of fear. In the early seventeenth century, discussing religious profession in his treatise on marriage, Tomás Sánchez had asserted that if the fear compelling someone to enter religious life persisted, he or she was not constrained by the Tridentine five-year limitation on appealing. Indeed, even if the impediment to making an appeal continued for a hundred years, such a person remained entitled to seek legal relief.[111] Many subsequent canonists endorsed his position; so did Benedict XIV in his constitution *Si datam*. Lawyers representing opponents of petitioners' release took a different view of the matter, particularly when the petitioners did not act in a timely manner, and the cardinals on the SCC sometimes agreed with them.

As mentioned earlier, most reluctant religious appealed to the pope only after their forcers had either died or admitted their fault. Take, for instance, the case of Marie-Françoise-Placide Hoverland. She was compelled by her widowed mother to enter the house of the Gray Sisters in Blicquy, where she professed on 2 February 1736. Known to all and sundry in the region as "the forced nun," she sought desperately but in vain to find someone who would furnish the financial assistance necessary to appeal for release. On 17 January 1753, after seventeen years in religious life and more than seven years after the death of her mother, she finally petitioned the pope.

Citing previous SCC decisions and Cicero's *De officiis,* Hoverland's Roman attorney argued that this long delay was totally irrelevant; in no way should it be interpreted as constituting a tacit profession.[112] The vicar general of

110. Pos. 1525 (20 April 1793), Bracheren., Rebello, *Restrictus Responsio Facti & Iuris* ([Rome]: Lazzarini, 1788), A1r. For a suggestive discussion of the stages of women's lives, see Seidel Menchi, "The Girl and the Hourglass."

111. Sánchez, 2: 108–11 (Liber 7, Disputatio 37 [which is entirely about religious profession], quaestio 3).

112. Pos. 904, *Responsio,* A1rv, A3v.

Cambrai arrived at a different conclusion. On the one hand, he dismissed her opponents' claim that since as an uncloistered Gray Sister, she moved about freely to take nursing assignments and go on vacation, nothing had prevented her from petitioning earlier. As long as her mother was alive, he conceded, she had lacked the liberty and resources to do so. On the other hand, he concluded by saying, once her mother disappeared from the scene in 1745, she could have appealed immediately but failed to do so.[113] In this case as in practically all others, the SCC did not furnish a motivation for its decision. It seems safe to surmise, however, that in rejecting Hoverland's position on 6 December 1755, the cardinals took into account both the opposing side's aggressive insistence that the evidence produced about her mother's exerting force and fear was weak and also the lapse of time between her death and her daughter's petitioning.

A question raised in the case of Vinsentiius Iosifus Zenniovskii, a Dominican from Kiev who had professed at age sixteen in 1768, illustrates the SCC's persistent concern about the timing of petitions. How much time, the cardinals inquired on 24 January 1778, had elapsed between the demise of the forcer (his mother, Ursula) and the filing of his petition?[114] A satisfactory answer was forthcoming: he had appealed to the pope within nine months after Ursula's death in November 1772.[115] Persuaded that Zenniovskii had acted expeditiously, in December 1778 the cardinals voted in favor of his release.[116]

The opposite outcomes of these two cases do not permit confident generalizations about the SCC's stance on the length of time that elapsed between the cessation of *metus* and the submission of petitions. Plausible as it may seem, we cannot be certain that Hoverland's delaying was the most important factor influencing the cardinals' rejection of her appeal for release. To be sure, her Roman attorney cited six previous cases brought before the SCC in which—or so he claimed—the lapse of time between the end of reasons for reluctant religious to be fearful and their petitioning had not been held against them.[117] Whether or not his interpretation of these cases was accurate,

113. *Summarium* ([Rome]: Bernabò, 1755), A10v.

114. *ThR* 47: 34. The SCC also demanded evidence on whether Zenniovskii had made a tacit profession. Since no cause papers regarding this petitioner have survived, what evidence he may have furnished to rebut the notion that he had made a tacit profession cannot be determined.

115. Ibid., 213–15 (19 September 1778). Since he appealed only four years after professing, he should have approached his ordinary and local superior rather than the pope; but the SCC made no objections on this procedural irregularity.

116. Ibid., 225 (21 November 1778); PRP 91 (12 December 1778).

117. Pos. 904, *Responsio,* A1r-2v. Two of these decisions I have been unable to locate. In the other four, delay in petitioning seems not to have been a major issue.

their remoteness in time (between 1694 and 1735) and the lack of impact his citations had on the decision about Hoverland, as well as the SCC's raising the issue a quarter of a century later in regard to Zenniovskii, suggest that neither theological and legal writings nor precedents in previous cases ever produced an unambiguous answer to the problem of delay.

Fear as a Factor in Marriage

In itself, the fact that in his treatise on marriage, Tomás Sánchez found it necessary to deal so extensively with fear would suffice to indicate that it was a problem in the formation of spousal unions. Recent studies of early modern marital litigation furnish many illustrations of its impact. Child brides, some of them below the minimum age of twelve stipulated by canon law, were often subjected to fear-inducing pressure to wed, or so some of them claimed. Litigation in late fourteenth-century Lucca between Neria Martini, daughter of an organist, and Baldassino Giacobi, a haberdasher from Pistoia, about the validity of their marriage brought to the fore the questions of whether she had been old enough legally to wed and the coercion and consequent fear allegedly induced by her father. Both may have been pretexts introduced by her father to invalidate a union not as financially advantageous as he had originally assumed.[118]

As in cases of forced monachization, court records make clear that marriage forced by fear was not only a female problem. In the mid-fifteenth century, Alvise Soncin, a student at the University of Padua, claimed that force employed by the relatives of his lower-class pregnant girlfriend, Ursina Basso, had made him afraid not to marry her. On appeal to the patriarch of Venice, Alvise's arguments swayed the ecclesiastical judges in his favor.[119] From the late 1530s to the mid-1540s, lengthy litigation in the episcopal curia of Feltre centered on the issue of whether two peasants of Tenno in the Valsugana southwest of Trento—Domenico Baruchelli and Fiore dalla Piazza, who bore him two children—were in fact validly married. Domenico's allegation that he had been intimidated by death threats from Fiore's relatives did not suffice to persuade the judge that fear had vitiated the nuptials.[120]

In late sixteenth- and seventeenth-century Venice, parents frequently employed fear to force their daughters, and on rare occasions their sons, into

118. Meek.

119. Marchetto, "Il 'matrimonium meticulosum'"; Cristellon. Since records of the Basso family's appeal to Rome have yet to be found, the eventual outcome of the case remains uncertain.

120. Lazzeri and Seidel Menchi.

undesired marital unions. This occurred most often with girls just slightly above age twelve, the minimum canonical age for women to marry, or even below it. Surprise was a major factor: without previous consultation, girls suddenly found themselves in the midst of ceremonies joining them to mates they had never met. Long after the Tridentine decree on marriage had reiterated that marriage required the consent of both parties, some ill-educated parish priests, seemingly unclear on this point, celebrated forced marriages without taking into account the brides' unwillingness.[121]

Fear also precipitated involuntary marriage on higher social levels. In 1628, for instance, Vittoria Cesana brought suit in the patriarchal court against her new husband, the Venetian patrician Giovanni Battista Barbaro. When she told her father, the wealthy lawyer Antonio Cesana, that she would rather commit suicide than marry the man he had selected, he came after her with a knife and threatened to kill her if she refused the match. Vittoria asked the court to annul the marriage on the ground that she had never consented to it. "I told him [her father] I would obey, with my voice, but not with my heart, and because of the fear I had that he would kill me. But the marriage never derived from my will and consent." The court granted her request for an annulment.[122] The circumstances of Vittoria Cesana's situation, and especially her phrase contrasting what her mouth said with what her heart felt, highlight the similarity between coerced marriage and forced monachization.

Neither before nor after Benedict XIV's listing of intractable problems presented in the adjudication of forced monachization cases did theologians, canonists, lawyers, and members and staff of the SCC manage to solve them. The cases discussed in this chapter, arranged in chronological order within each section, exhibit no consistency in interpretation of controversial legal principles, let alone any movement toward clarification of them.

Two apparent exceptions to this last assertion deserve consideration. In 1777, as we have seen, Secretary Francesco Carraro rejected the long-held notion that length of time spent in a religious house qualified as evidence of a tacit profession. Eleven years later, Domenico Raimondo and Generoso

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121. Hacke, *Women, Sex and Marriage,* 89–117.

122. This case was first brought to light by Hacke, "'Non lo volevo per marito in modo alcuno.'" I follow the fuller treatment in Ferraro, 41–44; quotation at 42. Vittoria objected to the match with Barbaro, she told the judge, because she had previously reached a preliminary agreement to marry someone else. Antonio Cesana, a professional man but not a patrician, was clearly pursuing a strategy of upward mobility: two years earlier, he had married Leonora, his eldest daughter, to a poor noble of the Grimani family. Cowan, 88.

Petrarca, Roman attorneys for Rosa Luciana Rebello, argued that *vis et metus* were not an inseparable pair, for the conjunction *et* was "disjunctive," not "copulative." In some instances, such as Rebello's, fear had not been precipitated by force, but that did not render nugatory their client's petition—or presumably any other in which force did not play a role.[123]

For two reasons, it is impossible to prove and hazardous to conjecture that these two opinions may have set precedents. In the first place, despite the fact that both attorneys and secretaries of the SCC cited decisions in previous cases, the evidence does not suggest that any innovations regarding the problems focused on in the present chapter were generated in this way. Carraro's and Rebello's attorneys' novel pronouncements, furthermore, come very late in the period covered by this book; Rebello's petition for release from her vows, indeed, is the penultimate one heard by the SCC before Napoleon's army entered Rome on 10 February 1798. In order to determine whether they had any effect, one would have to explore the SCC's handling of cases in the nineteenth century.

Of the eleven popes in the period 1668–1793, nine held doctorates in both laws.[124] Only one, Benedict XIV, was a distinguished jurist. Both before and during his papal tenure, as we saw in chapter 4, he brought his legal training to bear on matters needing clarification. Unlike his predecessors and successors who wore the triple tiara, he had a profound influence on the way petitions for release were handled. Although probably all of the secretaries of the SCC and most cardinals who served on it had legal training, few of them seem to have been masterful interpreters of the law; none except Prospero Lambertini was a notable innovator. In the absence of records of deliberations conducted in SCC meetings and of motivated decisions, it appears that when faced with conflicting interpretations of thorny legal problems, the cardinals seldom confronted them directly. Instead, they did business as usual: weighing other types of evidence in the case, assessing the credibility of witnesses, and evaluating the cogency of attorneys' briefs. Besides Lambertini and Carraro, the only secretary of the SCC who demonstrated evidence of creative thinking—in his case, about how to persuade the cardinals to adopt his convictions on the course they should take—was Giuseppe Alessandro Furietti (on whom more in chapter 9).

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123. Pos. 1525, *Inter D. Rosam Lucianam Rebelli et Ven. Monast. S. Mariae Dos Remedios Restrictus Facti & Juris* ([Rome]: Lazzarini, 1788), C7v.

124. The exceptions were both friars: Benedict XIII (Vincenzo Maria Orsini), a Dominican (r. 1724–30); and Clement XIV (Lorenzo Ganganelli), a Conventual Franciscan (r. 1769–74).

The following chapter addresses yet another aspect of the handling of petitions in the SCC. Witness testimony not only supplied details as to what had happened and how communities of observers viewed particular instances of coerced monachization. For modern scholars, it also sheds some rays of light on petitioners'—particularly female petitioners'—developing a sense of self.

Chapter 6

Witnesses to Forced Monachization

Had involuntary monachization remained a closely held secret, known only to alleged perpetrators and their victims, determining whether or not it had occurred would have been very difficult. Restricted to dealing solely with statements by petitioners and those charged with forcing them into religious life (inevitably of the "he said, she said" variety), the SCC would have had to make either/or judgment calls: that one party was telling the truth and the other was lying. In fact, except in the most fragmentary cases, evidence put before the cardinals came from a broader array of informed parties, whose testimony was gathered during the diocesan investigation. Relatives not directly involved in pressuring petitioners to enter monastic life, friends, neighbors, servants, and male religious appeared in the episcopal curia—and nuns at the grates of the parlors in their convents—to respond to statements and questions put to them by vicars general.

For several reasons, analyzing witness testimony in SCC cases is a difficult enterprise. In the first place, as we saw in chapter 4, witnesses under interrogation in diocesan courts seldom had an opportunity to provide long, spontaneous free-form accounts of what they had seen, heard, and surmised. Instead, they had to conform to scripts composed by petitioners' and opponents' procurators, which required them to provide answers and responses to questions and statements on specific points. "Full" testimony from witnesses, furthermore, is available only in some cases: where transcripts of diocesan

investigations survive in the cause papers; or when petitioners' attorneys opted to quote them directly and at length, as opposed to reorganizing what they said under topical headings. Still another limitation is lack of uniformity in notarial practice in dioceses across Europe. Neither in theory nor in practice were notaries serving vicars general held to a uniform, rigorous set of standards like those imposed on their counterparts in Roman Inquisition courts, who were expected to take down witnesses' words in full and verbatim, as well as recording their nonverbal gestures, facial expressions, pauses, and the like. Often, particularly outside Italy, diocesan notaries redacted direct discourse in indirect form—or translators and attorneys made that transformation at a later point. Attestations (*fedi*) furnished to notaries outside the courtroom, more common in Italian cause papers than in those from other regions, are a different matter: in them, witnesses could speak freely and without interruption.

Despite these limitations, witness testimony can yield considerable insight, provided that the cases in which it is examined are carefully chosen. Not only can it show how members of various communities observed, evaluated, and described what they saw and heard regarding involuntary religious. Occasionally, it can shed a few beams of light into a shadowy realm: petitioners' experiences and feelings once they were confined to religious houses.

Publica Vox et Fama: Local Knowledge, Judicial Evidence

In the premodern period, *publica vox et fama* (public talk and reputation), which was not merely idle gossip, served at least two very important functions relevant to this book. In the first place, as Chris Wickham has argued, it "established common versions of the relevant past inside the talking group"—those members of a community who exchanged information about people and events and reached consensus in their judgments about them.[1] "Community" here should be understood in a multiple sense. In this chapter, we shall find ourselves in communities as varied as schools, workshops, religious houses, neighborhoods in large cities, and entire small towns. At least for a time, the members of such communities came together in a shared conviction about the "truth" of a particular something or someone. This conviction might not be temporary. When a similar situation arose at a later point, memory of the earlier one might foster the rapid formation of another *publica vox et fama*. In this way, what the French sociologist Pierre Bourdieu termed a *habitus*—a set of "dispositions" or quasi rules embedded in people's minds—would be reinforced.[2]

1. Wickham, quoted phrase at 26.
2. Ibid. On the concept of *habitus,* see Bourdieu, chaps. 2 and 4.

Dealing with a period earlier than the one under consideration here, Wickham understandably did not explore a facet of *publica vox et fama* that was certainly present in the early modern centuries: the dovetailing of "popular" common convictions about "truth" with their official articulations in printed normative documents. One fragment of evidence from the late sixteenth century may help to suggest what I have in mind. For forty-seven years, Geronima Veralli Malatesta wrote weekly from her husband's home base in the Romagna to her younger brother Giovanni Battista, the feckless first-born male in their aristocratic Roman family. A missive of 5 February 1583 concerned the future of their younger sister, then an *educanda*. Geronima informed her brother that Olimpia had not the slightest inclination to spend the rest of her life behind convent walls. "If, without wanting to, she were to become a nun anyway," Geronima wrote, "that would be a notable error, deserving criticism from all."[3] She had no need to specify that "all" would include people across the social spectrum. Humble servants and neighbors would learn by word of mouth about the involuntary monachization of Olimpia. So would the Veralli family's Roman peers, who must have known that two decades earlier, the Council of Trent had legislated against forcing adolescents (especially young women) into convents—whether or not they themselves abided by this prescription. In the unlikely event that Romans in the elite required clarification on this subject, they could consult their confessors and highly placed ecclesiastical relatives.[4]

Publica vox et fama, furthermore, had a recognized place in both civil and canon law. Ranking somewhere between knowledge *per visum* (eyewitness knowledge, considered a highly reliable indicator of "truth") and knowledge *per auditum* (hearsay, usually dismissed as unreliable), it constituted an important type of evidence that attorneys adduced and judges took into consideration.[5] Such evidence took two forms: *fama legalis* (common assessment of an individual's reputation) and *fama facti* (common knowledge about what had happened). By itself, *publica vox et fama* was not enough to determine judges' decisions, but in its absence, reaching a decision would have been virtually impossible.[6] In cases of forced monachization, at issue were both the reputa-

3. "S'ella se facesse ancora monaca e non ci andasse volentieri sarebbe un errore notabile e da esser biasimato da tutti." D'Amelia, 389–93; quotation from 393.

4. Geronima and Giovanni Battista, for instance, could have sought advice from their maternal uncle Giovanni Battista Castagna (1521–90), who would be named cardinal on 12 December 1583. Elected pope on 15 September 1590, he assumed the title Urban VII but died twelve days later, before being crowned. Miranda, bios1583.htm#Castagna.

5. Wickham.

6. Kuehn, "*Fama,*" esp. 30, 35.

tions of petitioners and those who had allegedly forced them and the "facts" about how compulsion had (or had not) been applied. For this reason, conscientious attorneys representing both petitioners and the parties opposing petitions identified witnesses for vicars general to examine on statements and questions designed to assemble a body of evidence about what individuals and groups of people knew. If attorneys did not field substantial groups of credible witnesses, their clients' chances of victory were slim, as the case of Girolamo Querini (chapter 3) suggests.

Witnesses in a Microcommunity: Domenico Maragliano

Domenico Maragliano professed in San Francesco della Pace, a Reformed Franciscan house in Genoa, on 28 May 1703 under the name Michele da Genova. According to two of his brothers and a cousin, his father, Michele, had sent him to school for the express purpose of making him a friar. When Domenico repeatedly protested that he did not want to do so and had an uncle and several religious convey the same message, Michele held firm. If his son tried to flee the monastery, he said at various times, he would neither support him nor look him in the face again, and he might even resort to murder.[7]

In the rather thin set of surviving cause papers regarding Maragliano,[8] one feature stands out: the testimony offered on two occasions by the Dominican friar Girolamo Francesco Balestrini, who during the young man's novitiate served as his instructor in a "school of philosophy" at the monastery of San Domenico and became his confidant and advocate. When Maragliano, telling him that he planned to rob money from his father's shop or home and flee, asked the friar to find him a job on a ship, Balestrini dissuaded him from running off, assured him that he would intervene with his father,[9] and prom-

7. Michele, still alive at the time of the *processo,* was not heard from either under interrogation or through an attestation. According to Domenico's cousin, when the father heard that his son had asked his sympathetic paternal uncle to pray that God punish him, he went to the vicar and admitted his fault. Pos. 387 (30 March and 13 April *pars* 1 1715), Januen., Maragliano, *Summarium* ([Rome]: De Comitibus, 1713), A3r, A8r-B1r (testimony of Michele di Lazzaro Maragliano, 14 March 1710 and 8 March 1711). The cause papers contain no direct confirmation of this assertion. See also the testimony of Domenico's brothers: ibid., A1v-2r, A6v-9r (Pietro Maria Maragliano, 6 March 1710 and 8 February 1711); A3r-4v, B2v-4v (Antonio Maragliano, 11 March 1710 and 25 March 1711).

8. Despite the fact that his Genoese procurator seems not to have devoted much effort to preparing for the diocesan investigation, Maragliano received a favorable ruling on 15 April 1715. That his legal team in Rome included Domenico Ursaya may have had some impact on the SCC's favorable decision. PRP 28, LD 65: 161v-62v.

9. Domenico's cousin Michele and his brother Antonio Maria stated that Balestrini had both written to and visited Michele Maragliano. *Summarium,* A2v, A3r-5r.

ised that he and his students would testify in his behalf if he filed for *nullitas professionis.* When Maragliano was called on one day in class, the teacher recalled, he burst into tears and complained about his father's beatings. Using this as a "teaching moment," Balestrini told the students that "I've never preached Lent in Genoa, but if I ever do, I intend to deliver a sermon against fathers and mothers who force their children to become religious, because there's a great need for it."[10] Back in the vicar general's court nine months later, after remonstrating in vain with Michele Maragliano, he reported having declared to his students that their classmate's father "was a barbarous man, a dog, and intractable."[11]

Whether Balestrini ever had an opportunity to deliver a Lenten sermon denouncing forced monachization and whether his students (all presumably future religious and secular priests) carried his message into their ministries we cannot know. The case of Domenico Maragliano takes us into a Genoese classroom and into the petitioner's immediate family, but no further. Our next example, also from a large city, features a workshop and the surrounding parish.

Employees: Giuseppe Bettè

Born on 15 July 1706 in the Milanese parish of Sant'Eufemia, located near Porto Ticinese in the city center, Gasparo Domenico Giuseppe Bettè (called Giuseppe) was among the six (of thirteen) surviving children of Bartolomeo, proprietor of a silk-dyeing enterprise, and Anna Lurasca. A year or so after Bartolomeo died in 1721, his thirty-six-year-old widow fell in love with Antonio Casiraghi, a worker in the shop. After giving him her late husband's clothing and sword, Anna signed a promise of marriage that assigned him responsibility for running the shop. Giuseppe, her eldest son, adamantly opposed the planned union because Casiraghi was socially inferior to and several years younger than his mother—and no doubt also because he had assumed that full responsibility for managing the shop would eventually fall to him.[12] Anna realized that if her relatives, particularly her brother Silvestro,

10. Ibid., A5v-6v (testimony of R. P. Girolamo Francesco Balestrini, OP, 17 July 1710).

11. Ibid., B3v-4v (testimony of Girolamo Francesco Balestrini, 19 April 1711). Balestrini's testimony was confirmed by one of Maragliano's fellow students. Ibid., A4v-5v (testimony of Lazzaro Maria Orezzo, 2 April 1710).

12. The petitioner testified that after two years in the seminary at Celana, he returned home when his father died and took charge of the shop—probably an exaggeration, given that he was only fifteen at the time. Pos. 699 (22 September *pars* 2 1742), Mediolan., Bettè, *Memoriale cum novo Summario & reassumatur* by Giuseppe Modio ([Rome]: De Comitibus, 1742), A2v (interrogation of Bettè, 28 May 1742).

learned what she had in mind, they would object for the same reasons.[13] She and her inamorato therefore decided to silence Giuseppe by putting him out of circulation in a monastery.[14]

In addition to being verbally abused, beaten to a pulp, and threatened with death in order to break his resistance to becoming a friar, Bettè was almost eliminated by a poisoned soup Casiraghi had prepared. After the young man had eaten a few spoonfuls of it, Leonardo Verrini, a worker in the shop, knocked the bowl off the table onto the floor, while warning him that the soup was laced with Spanish fly (*cantharides*). The family cat licked up the spilled soup, slinked away, and was never seen again. Three hours later, when Bettè began to suffer severe stomach pains and to urinate blood, Verrini took him to a physician, along with a packet of suspicious powder—presumably the Spanish fly—that he had found in Casiraghi's room. The physician's prescriptions, copious draughts of milk and various medications, saved Bettè's life.[15]

At this point, the desperate young man saw no alternative to entering the Augustinian Hermit house of San Marco. Two weeks before professing in late May 1725, he took the precaution of filing a notarized protest against the *vis et metus* employed by his mother and Casiraghi to make him do so.[16] Wrongly believing that after force and fear had ceased (which it did two years after he professed, when his mother's relatives thwarted her marriage plans and drove Casiraghi away), he had five years in which to claim *nullitas professionis,* he filed for it too late, in 1731. Therefore he had to petition the pope for *restitutio in integrum*.[17] The Milanese vicar general promptly conducted an investigation and forwarded it to Rome, but nothing further happened, apparently because the SCC lost the transcript. In 1734, probably in despair, Bettè left his monastery.[18]

Crucial to Bettè's case was the evidence offered by two witnesses in early September 1732. One, a silk dyer named Andrea Meda of Monza, who had

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13. First manuscript Summarium, 26r-32v (interrogation of Antonio Ricordo, worker in a nearby dye shop, 3 September 1732). Ricordo had heard from Giovanni Battista Barca, a friend employed in the Bettè establishment, that Casiraghi had once owned his own shop; then, having fallen on hard times, he had descended to the rank of employee. After Giuseppe's mother kicked him out of the house, Ricordo said, the boy had to sleep on the steps of a church.

14. *Memoriale cum novo Summario & reassumatur,* A2v-5r (testimony of Bettè, 28 May 1742).

15. Ibid., A3v. Spanish fly, best known as an aphrodisiac, achieves that effect with an infinitesimal dose; a larger one amounts to a deadly poison.

16. *Summarium* ([Rome]: De Comitibus, 1742), A7r-8r (Bettè's protest, 18 May 1725).

17. *ThR* 11:47–49, 159; *Summarium,* A4v-5r (interrogation of Bettè, 28 May 1742). According to the petitioner, the archbishop of Milan's vicar general had impeded his appealing for *nullitas professionis* within five years.

18. *ThR* 11:47–49.

worked on and off in the Bettè shop before and after Bartolomeo's death, testified that when he first met Giuseppe, the boy was in school studying Latin, most likely in preparation for becoming a secular priest. During his last six-month period of employment, having been hired back by the widow Anna Lurasca, Meda heard Giuseppe weeping in a locked room. When he started to break down the door, he was let in by Anna, who had beaten her son on the forehead until the blood ran. Meda was able to stop Giuseppe from using a gun he had run upstairs to get, and he also evaded Casiraghi's drawn sword. He took the young man to the house of Giuseppe's sister Caterina Bettè and her husband, Giovanni Battista Molinari. When Anna tried to fire him, Meda resigned and went home to Monza. About three years before giving this evidence (that is, in the late 1720s), he had visited briefly with Giuseppe, then living in the Augustinian Hermit house in Monza. When he congratulated him on being a friar, Giuseppe quickly changed the subject.[19]

The other witness, also a former worker in the Bettè shop, had testified two weeks earlier. Domenico Mochi was the son of Giuseppe's paternal aunt and thus his cousin. Now employed by his father-in-law as a silk dyer, he had learned the trade in apprenticeship to his uncle Bartolomeo Bettè, with whom he got along very well. After Bartolomeo died, the atmosphere in the shop rapidly deteriorated. Mochi and the other apprentices resented Antonio Casiraghi's wearing the late master's clothes and strutting around with a silver sword and tobacco box. Anna Lurasca's infatuation with Casiraghi displaced her love for her son, whom she dressed in an ecclesiastical habit and prohibited from working in the shop. Besides depriving him of food, she and her lover beat him so hard that all the neighborhood could hear the blows and his cries. After taking the boy home with him, Mochi summoned a judge, who reprimanded the couple. The violence continued; another of the apprentices quit in disgust. Asked to define *publica vox et fama,* Mochi replied: "Reputation (*fama*), I believe, to the extent that I understand it, is a uniform public opinion, founded on the truth, which is on everyone's lips." He added that the term accurately described what "everyone knew" about Giuseppe Bettè's coerced monachization[20]—by which he meant everyone in the Bettè shop and the family's immediate neighbors.

In 1738 Anna Lurasca and Antonio Casiraghi confirmed all the details attested to by her son and the two witnesses several years earlier. At the urg-

19. First manuscript Summarium, 11r-16v (testimony of Andrea Meda, 1 September 1732); also in second manuscript Summarium, 10r-16r.

20. First manuscript Summarium, 16v-26r (testimony of Domenico Mochi, 13 August and 2 September 1732); also in second manuscript Summarium, 16r-24r.

ing of her confessor, who had denied Lurasca absolution unless she acknowledged her role as forcer, she was now prepared to do so. Anna provided a detail furnished by no one else: she and Casiraghi had planted a pearl necklace in Giuseppe's room and then accused him of stealing it. Her relatives, she explained, had legally prevented her marrying Casiraghi and secured his expulsion from the house and business enterprise. Because she could not write, her new husband, Antonio Bervelli, prepared her attestation. Antonio Casiraghi also admitted his fault; he could not sign his *fede,* he claimed, because he was missing two fingers.[21]

Early in April 1742, action in Bettè's case resumed. Following his attorney's admonition that the SCC could not proceed unless he was residing in a monastery, he sought and gained permission to move into a house of Lateran Canons.[22] In late May he was interrogated again in the archiepiscopal curia.[23] The Roman court then moved with relative dispatch: less than five months later, on 22 September 1742, the SCC restored Bettè to lay status.[24] His pre-profession notarized protest, the forcers' attestations, and his order's lack of objection to his release certainly contributed to this positive outcome. The richly detailed testimony of the two dyers in the Bettè shop may, however, have had just as much impact on the judges.

Present at a Profession: Maddalena Farner

Moving back half a century in time and to another major urban center, Venice, we encounter a group of witnesses linked not to an enduring environment but to a particular occasion. As explained more fully in the following chapter, Maddalena Farner, the teen-age daughter of German immigrants, became the concubine of Giovanni Battista Cellini, a prominent merchant. When Cellini was obliged to leave for Amsterdam to take up the post of Venetian consul, he decided to preserve her for his future use by forcing her into the Convertite,[25] where she was compelled to profess on 31 March

21. *Summarium,* A9r-10v, 10v-11v (*fedi* of Anna Lurasca, 6 May 1738; and Antonio Casiraghi, 9 September 1738). The originals are in an unfoliated manuscript.

22. *ThR* 11: 47–49.

23. *Memoriale cum novo Summario & reassumatur,* A2v-A5r (interrogation of Bettè, 28 May 1742).

24. *ThR* 11: 159.

25. Most convents for repentant prostitutes in Italy and throughout Europe were dedicated to Mary Magdalene. On the Convertite of Venice, see McGough. By the seventeenth century, as she explains, many inhabitants of this establishment were not ex-prostitutes but former concubines, refugees from unsatisfactory marriages, and widows and virgins embracing the opportunity of a low-cost monastic life. A comparable transformation undoubtedly occurred in other Convertite houses across

1681. Four years later, because Venetian governmental regulations made it virtually impossible for nuns to seek legal relief from forced monachization, she and another young woman in the same predicament fled to Mantua, where they could petition the pope for release. Their adventure will concern us in chapter 7.

On 26 April 1695, five men who had attended the ceremony of Farner's profession fourteen years earlier and furnished *fedi* about it in 1690 and 1691 were interrogated in Mantua.[26] All had to address a question about Farner's aversion to becoming a nun. Two Capuchin friars, Damiano da Venezia and Angelo da Verona, stated that they had gone out to the convent on the Giudecca to hear the music accompanying the ceremony—an unusual opportunity, given that choirs and instruments in churches usually fell silent during Holy Week. Their expectation of a special aural treat went unmet. At first the professand did not appear, and when she finally did, she was so overcome by sobs that she could not utter the words of profession; the officiating priest had to say them for her. This scandal produced such a tumult among those in attendance that the music could hardly be heard. According to Fra Damiano, many gentlewomen in particular were scandalized. They said, he recalled, "that that priest who conducted the profession ought to dragged behind a horse's tail for presiding over such an inappropriate function, given Maddalena's disinclination [to profess]."[27]

Three laymen of varied social extraction had to respond to two questions: Farner's aversion and Giovanni Battista Cellini's attempt to bribe the priest Marino Palma, confessor of the Convertite, to officiate at her profession. At the time, Antonio Arcani had been employed as a servant by Don Marino, since deceased.[28] On 31 March 1681 he performed an almost daily task: rowing his master out to the Giudecca. That morning, Arcani stated, the convent church had been full of ladies and gentlemen come to witness Farner's pro-

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Europe. Take, for example, the Pénitentes de Saint Georges in Avignon. Founded around 1577, it succeeded the centuries-old Répenties de Sainte Marie Magdeleine as a repository for repentant prostitutes. By the early seventeenth century, however, it was populated mainly by respectable daughters of the upper bourgeoisie and minor nobility, who entered the house with substantial dowries. Whitney Leeson graciously provided this information. For further details, see Leeson.

26. Pos. 92 (17 November 1691), Venetiarum seu Mantuan., Farner, manuscript Summarium, unfoliated: *fedi* of Antonio Arcani (Padua, 26 December 1690), Antonio Maria Minozzi (Parma, 11 February 1691), and the Capuchins Damiano da Venezia and Angelo da Verona (Venice, 3 May 1691); and Bartolomeo Urbani (Mantua, 19 May 1691).

27. Pos. 168 (16 August 1696), Venetiarum seu Mantuan., Farner, *Summarium* (n.p.: n.pr, [1696]), A8r–9r (testimony of Damiano da Venezia and Angelo da Verona). The original documents on which the 1696 *Summarium* is based may be found at the end of the cause papers.

28. Don is the title used for Italian priests.

fession. The professand had not opened her mouth; instead, the musicians had responded to the priest's words. The ladies had risen to their feet and murmured in protest. In the gondola on their return to central Venice, Don Marino and his friend Bonaventura Urbani had predicted "that one day that nun would flee from the convent." Don Marino had refused to accept Cellini's "gift" or even to talk to him. After the fact, bitterly regretting that he had nonetheless agreed to speak the words of profession in Farner's place, the priest acknowledged that "he would have to account to God for that soul if it were lost through desperation."[29]

Antonio Maria Minozzi, a doctor of laws, concurred that Farner did not say the words of profession; Cellini had ordered Palma to pronounce them. On the way back in the gondola, he had heard Don Marino repeatedly exclaim, "O God, what have I done?" and add that "instead of sacrificing a soul to God, he had sacrificed it to the devil."[30] Bonaventura Urbani, a silk weaver acquainted with both Cellini and Palma, explained that a certain person had sworn him to silence about Farner's profession. Now that this person—undoubtedly Cellini—was dead, he could at last speak freely. When Urbani had visited Don Marino on his deathbed, the priest had again expressed certainty that God would punish him for the profession ceremony, "done not in conformity with God or his conscience, but to satisfy Signor Giovanni Battista Cellini."[31]

Not only does the testimony of these five witnesses furnish a detailed account of Farner's forced profession. It also illuminates several features of social life in late seventeenth-century Venice and elsewhere. Musical performances in convents and conservatories, even a less than respectable institution like the Convertite, constituted a major cultural attraction. Firsthand observation of a forced profession scandalized at least some of those in attendance—especially women of much higher status than the victim, an artisan's daughter and until recently a concubine. An affluent, overbearing individual like Cellini (not yet a noble, but four years later he would buy his way into the patriciate) could intimidate not only a woman but also men of lower status, such as the priest's servant, whom he adjured to keep his mouth shut. In addition, he compelled a priest to officiate in an irregular profession

29. Ibid., A11r-v (testimony of Antonio Arcani, 26 April 1695). By the mid-1690s, this native of the Verona area was in service to the noble poet Giuseppe Varano da Camerino in Ferrara. In some places his last name is given as Arcari.

30. Ibid., A10r-v (testimony of Antonio Maria Minozzi, 26 April 1695). A native of Padua about thirty-nine years old, he was employed as "advocate of the poor" in Mantua.

31. Ibid., A12r (testimony of Bartolomeo Urbani, 26 April 1695). A native of Venice, Urbani had been living in Mantua for about six years.

that put the celebrant's soul in danger and dissuaded higher-status witnesses to the involuntary profession from coming forward. For reasons that will become evident in chapter 7, authorities of the Venetian state and church did nothing to counter such hierarchical forms of influence.

The Talk of the Town: Charlotte Thiery

In almost all proceedings concerning forced monachization in small communities, one encounters mention of a *publica vox et fama* that included all the inhabitants, as we saw in the case of Marie-Françoise-Placide Hoverland in Blicquy (chapter 3). An excellent example from the mid-eighteenth century, particularly rich in witness testimony, comes from the town of Commercy in the French duchy of Lorraine (diocese of Toul).[32] The protagonist, Charlotte Thiery, was born around 1717 in Koblenz, where her father, François Thiery de Bondouville, served as a captain in the elector of Trier's army. In 1734 he took his daughter to Commercy, where many members of his family lived, and placed her against her will in an Ursuline convent. According to witnesses, Captain Thiery had two motives: breaking up her romantic relationship with a man in Koblenz of whom he did not approve (earlier, she had refused to marry his choice, an elderly physician); and excluding her from the line of inheritance in order to favor his second son, Nicolas.[33] In accordance with his wishes, she professed under the name Augustine on 30 May 1737.[34]

That forcing his daughter to become a nun was illegitimate François Thiery knew perfectly well but chose to disregard. Charlotte's cousin Noël Thiery, canon regular and curé of the village of Nouillonpont, testified that when François came to visit him in 1734, Noël told the older man in no uncertain terms

32. Since the mid-eighteenth century, Commercy has produced the madeleines rendered famous by Marcel Proust in *À la recerche du temps perdu*. The population of the town in 1999 was 6,324; in the 1730s and 1740s, it was almost certainly no larger and probably smaller.

33. Pos. 801 (9 May *pars* 1 1750), Tullen., Thiery. On François Thiery's marriage plan for Charlotte in Koblenz and her preference for another man, see *Summarium* ([Rome]: Bernabò, 1750), A1r (testimony of Noël Thiery, 10 January 1748—the only dated piece in the Summarium); A6r (testimony of Anne-Françoise Maugevet, wife of a military official in the *bailliage* of Commercy). On François's patrimonial strategy, see ibid., A3r (testimony of the priest and canon Gabriel-François Dupuit de Saint-Gatnier, priest and canon of Commercy, age 53) and especially A6r-v (testimony of François Barrois, advocate in the Parlement, age 36). It was common knowledge in Commercy that Captain Thiery preferred Nicolas to his eldest (unnamed and barely mentioned) son, whom he intended to make a religious. Ibid., A6v (testimony of Barrois); A7r (testimony of Nicolas Thiery, advocate in the court of the *bailliage,* age 33).

34. *ThR* 19: 22.

"that it did not lie within a father's power to fix the vocation of his offspring, which was Heaven's prerogative. The said father replied in a rather brusque tone: 'Well, what does my daughter want to do in the world? Damn herself?' "[35]

The *Summarium* in Charlotte's behalf published sometime in the first half of 1750 includes the testimony of twenty-four witnesses identified by the supplicant and her prosecutor. A few were nuns and priests, along with one friar; most were layfolk, a group in which women outnumbered men. Along with the petitioner herself, they were interrogated in the episcopal curia of Toul at some point before mid-June 1747. Unusually, they began by making free statements about what they knew, after which they responded to questions from ecclesiastical authorities. If they had not already said so of their own accord, they were asked how widely it was known in Commercy that Thiery had been compelled to become a nun. Virtually all of them stated that "everyone knows."[36]

And clearly, almost everyone talked about it—a phenomenon enhanced by the close relations of kinship between themselves and the protagonists in the case. The priest Gabriel-François Dupuit, for instance, recalled that one day, when he had run into the procurator Jean-Joseph Thiery, he asked him, "Why have you not intervened on behalf of Charlotte Thiery, whom all the world says her father and mother are sacrificing to enrich a brother?" The lawyer replied that he and his wife had done everything possible to change François Thiery's mind, but to no avail. Dupuit had also discussed the matter with a nun, a sacristan, and others.[37] François Barrois, an advocate in the Parlement, had heard from Marie-Thérèse Barrois, Jean-Joseph Thiery's wife, about an acrimonious preprofession discussion in the convent between Charlotte and her mother.[38] Her late niece Thérèse had told her about the mother-daughter confrontation, as well as about Charlotte's brother Nicolas's reproving his mother in public on the street.[39]

Most Commerciens knew only French; François Thiery, his wife,[40] and their children were bilingual. When they did not want all and sundry to

35. Ibid., A1r (testimony of Noël Thiery, 10 January 1748).

36. Although the only dated testimony in the *Summarium,* already cited, comes from January 1748 (ibid., A1r-3r), the bishop of Toul's letter transmitting the transcript is dated 13 June 1747. Ibid., A14r. Pos. 801 includes the original transcript of the investigation conducted in Toul, but the large folded sheets are bound in so tightly that they cannot be inspected.

37. Ibid., A3r-v (testimony of Gabriel-François Dupuit).

38. Ibid., A6r-v (testimony of François Barrois).

39. Ibid., A7r-v (testimony of Marguerite Barrois).

40. Marie-Marguerite Parisot; it is not clear whether she was a native of Commercy, as her husband probably was.

understand what they were saying, they spoke in German. Nicolas Thiery, age 33, advocate in the court of the *bailliage* (administrative district), had been present during the acrimonious conversations in the convent pitting mother against her daughter and son, conducted in German; he did not understand them but refrained from asking for a translation.[41] The same was the case when the prior of the collegiate church invited Charlotte and her parents to dinner.[42] Marie-Charlotte-Henriette Thiery, daughter of Jacques and the late Thérèse, had to learn from Nicolas in French what had been said on that occasion in German.[43] Once Charlotte was enclosed among the Ursulines, many if not all of whom were no doubt exclusively Francophone, she sought out German speakers, including an army officer with whom she apparently considered running away.[44] Because he spoke German, she frequently summoned and confided her woes to another man: Jacques, known as "la Barque," thirty-year-old boatman to the dowager duchess of Lorraine, who talked with her from his vessel on the river outside the convent.[45]

Publica vox et fama in Commercy, amply attested to, and the bishop of Toul's endorsement of her petition did not suffice to win Charlotte Thiery release from her vows. As usual, the SCC's decision, issued on 9 May 1750, contained no explanation of why the cardinals turned her down.[46] Perhaps they were influenced by the Ursulines' contentions, presented in printed form by their attorneys. In addition to furnishing an attestation by her parents denying compulsion and nuns' testimony that at the time of profession she had not complained, the convent's legal representatives noted that only after having been in the convent for more than nine years, holding office, and tacitly reaffirming her profession had she petitioned the pope for *restitutio in integrum*. Her legal representatives had referred to but not presented

41. Ibid., A7r (testimony of Nicolas Thiery).

42. Ibid., A3r-v (testimony of Pierre Gambereux).

43. Ibid., A8r-v (testimony of Marie-Charlotte-Henriette Thiery).

44. Ibid., A5v (testimony of Soeur Christine Starnue de Sainte-Claire). The convent's superior claimed that the relationship had terminated eighteen months after Charlotte's profession; because "she had been too assiduous in the parlor with a German," the witness had him excluded from visiting her. *Summarium* on behalf of the convent ([Rome]: Bernabò, 1750), A2v (testimony of Soeur Catherine Stroll, n.d.). The officer's surname is given variously as Thorel and Torch. He may or may not have been Charlotte's inamorata in Toul.

45. *Summarium* for Thiery, A11r-v (testimony of Jacques dit la Barque). He denied trying to help her escape by boat but acknowledged conveying to procurator Jean-Joseph Thiery her plea for assistance. Princess Élisabeth Charlotte d'Orleans, Dowager Duchess of Lorraine, held Commercy from 1737 until her death in 1744.

46. LD 100: 143r, *ThR* 19: 23.

threatening letters from François Thiery to his daughter.[47] In the absence of detailed evidence about force and fear, they argued, the SCC should conclude that Thiery's profession had been motivated solely by reverential fear: socially sanctioned respect for her parents and acquiescence in their plans for her future. The cardinals accepted this argument.[48] Once again, we see that lacunae in the evidence presented by a petitioner's legal representatives damaged the chances of obtaining release.

The Individual, the Self

What does witness testimony reveal about petitioners' inner feelings? As mentioned earlier, most sets of cause papers shed little light on this important aspect of forced monachization. Usually, the petitioner—acted upon rather than acting, patient (in the original sense of "sufferer") rather than agent—remains in the shadows. There are exceptions, however. Before closely examining two of them, let us see whether modern theoretical explorations of the individual and the self can provide assistance in this endeavor.

No readers of this book, I trust, still endorse Jacob Burckhardt's misbegotten claim that (male) individualism was born in fourteenth- and fifteenth-century Italy.[49] In the past several decades, some scholars have attempted to relocate its origin in another time and place. In a well-known book published in 1980, for example, Stephen Greenblatt explored the efforts of several prominent Englishmen to shape distinctive individual identities by following leads provided in conduct manuals.[50] Fourteen years later, John Jeffries Martin proposed a distinctive early modern form of identity, different from "our own contemporary views of the self as divided, fragmentary, even illusory." Toward the end of the sixteenth century, he argued, "the self" began to exhibit "a kind of psychomachy between the exterior and the interior worlds of experience," which were divided by a permeable frontier, the skin covering the physical body. His prime example here is Michel de Montaigne. This concept, he suggested, "became foundational to" the "more individualist notions of identity" that would emerge in the Enlightenment.[51]

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47. *Pro Monasterio Ursulinarum . . . Contra Sor. Carlottam Thiery . . . Facti* by Cosimo Costantini, defensor professionis, ([Rome]: Bernabò, 1750), A4v.

48. *Summarium* on behalf of the convent, A1r (attestation by Thiery's parents, 8 August 1748); A1v–4r, testimony of ten Ursulines and passim; *Facti* on behalf of the convent by Cosimo Costantini, *defensor professionis* ([Rome]: Bernabò, 1750), A1r–4r.

49. Burckhardt. The key section is "The Development of the Individual" (part 2, 98–119).

50. Greenblatt.

51. J. J. Martin, esp. chaps. 1 and 7; quotations at 11, 131, 132.

Thought-provoking as they are, Greenblatt's and Martin's views do not represent a Copernican-Galilean break with Burckhardt's conception. For one thing, like Ariès and Stone, both remain intent on seeking the origins of "the modern." For another, despite Martin's avowed interest in learning "at least something of how Renaissance men *and women* viewed themselves; how they constructed, experienced, and understood their identities," like Greenblatt before him (and strangely, even more than Burckhardt),[52] he confined his gaze to men.[53] A recent attempt to pinpoint the emergence, albeit temporary, of "a 'modern' view of the individual" and of the [female] self in Angela Merici, founder of the Ursulines, is far from persuasive.[54]

The reason why modern scholars have had difficulty finding the female self, if indeed they have looked for it, is not far to seek. To employ Elizabeth Rhodes's recent felicitous observation, "Women were not socialized for selfhood . . . on the contrary, they were socialized against it, and their social training emphasized instead the identification and satisfaction of others' needs."[55] Rhodes is referring here exclusively to Spanish women, but her observation applies more widely. All early modern European females in the upper-middle and aristocratic sectors of society were raised from earliest childhood to accept without question the destiny chosen for them: marriage or the convent. Only if their elders were unusually indulgent did they have any opportunity to veto or even modify these choices. As we saw earlier, young men too were inculcated with reverential fear. The range of future career possibilities open to them, however, was considerably broader.

From outside the disciplines of history and cultural studies come two suggestive statements that stimulate consideration of identity and self among reluctant religious. A monograph by an imaginative British archeologist, Roberta Gilchrist, who studied the normative situation of religious women, provoked reflection through reaction. I do not for a moment question the validity of her approach; rather, her book made me more acutely aware of how much the population I am studying differed from the norm. First, making extensive use of Bourdieu, Gilchrist attacks a false antithesis—"Are women coerced or are they complicit in their own subordination?"—by observing that children both male and female learned the *habitus* of socially correct behavior, which remained with them throughout life. I would add that the

52. In recent decades, Burckhardt's wildly inaccurate claim that in Renaissance Italy "women stood on a footing of perfect equality with men" (Burckhardt, part 5, chap. 7, 250) has stimulated both efforts to prove the contrary and attempts to recover "the other voice" in writings by women.

53. J. J. Martin, 4 (emphasis added).

54. Mazzonis; quotation at 178.

55. E. Rhodes, 206.

ingredients of that *habitus* included a component we have already encountered: reverential fear. This rendered it much more difficult than Bourdieu or Gilchrist imagined for petitioners to "possess the freedom which sometimes would lead to opposition and social change."[56] Still, as we shall see in chapter 9, the lawyers representing women and men as well could imagine the concept of freedom and invoke it on their behalf.

Next, Gilchrist discusses monastic life as a break with the past—"denial of one's previous identity, and construction of an alternative, new sense of self." The process began with haircutting and vestition in a novice's habit. It continued through the profession of vows, which amounted to the "renunciation of personality, sexuality and social status" and becoming accustomed to "observ[ing] the monastic timetable."[57] Once again, that was what was supposed to happen, but in the cases of reluctant religious (males as well as females) it certainly did not. Toward the end of her book, Gilchrist addresses space, in which she included hierarchical ordering. The novice—and here I supplement her account—would learn that professed nuns and office holders inhabited parts of the convent she was forbidden to frequent and had privileges not accorded to neophytes, and that she must not venture into the spaces inhabited by girls in education. Some of this the novice would be told, the rest she would learn by observation, that is, she would "assimilate both explicit and implicit rules" pertaining to these matters.[58] The prospective nun who was looking forward to or at least had accepted her future life would certainly do so. At every opportunity, the recalcitrant one would flout these rules.

Half a century ago, the British pediatrician and psychoanalyst D. W. Winnicott published a seminal article, "Ego Distortion in Terms of True and False Self."[59] Here he outlined a concept that was not entirely new but in his view merited promotion to the rank of "a real clinical state." Like most psychoanalysts, he looked to the early relationship between infant and mother for the development of the False Self. "A good enough mother," he argued, facilitates her child's development "by meeting the infant's spontaneous gestures or sensory hallucinations," making them "real and usable." A "mother who is not good enough," on the contrary, "fails to implement the infant's omnipotence, substitut[ing] her own gesture which is to be given sense by

56. Gilchrist, 4–16; quotation (a paraphrase of Bourdieu) at 15.

57. Ibid., 18–19; quotations at 18, 19.

58. Ibid., 151–52; quotation at 152.

59. Winnicott. I am grateful to Diane Finiello Zervas, art historian and Jungian psychotherapist, for calling my attention to this article.

the compliance of the infant." In the latter case, "by compliance with environmental demands," a False Self comes to hide the True Self. Grown into adulthood, persons suffering from an extreme case of False Selfhood "can only act, and . . . are completely at a loss when not in a role, and when not being appreciated or applauded (acknowledged as existing)."[60]

At first, it seemed to me that involuntary religious who resisted getting their hair cut, persisted in wearing their secular clothes rather than the prescribed habits, participated seldom or never in required religious observances, refused to bond with their professed monastic brothers or sisters, disobeyed their superiors, and sought by various means to escape enforced monachization were suffering from Winnicott's False Self syndrome because I thought they were denying their "actual" status as religious. On further reflection, I changed my mind. Indeed, I believe, by stating and acting out their conviction that they were not real religious, the rebels were asserting their True Selves. The False Selves in monasteries and convents were those who had not entered religious life on account of a genuine vocation but sooner or later resigned themselves to playing the role of compliant monks, friars, and nuns—undoubtedly a large number, very few of whom are accessible to historians' inspection.

Responses furnished by the nuns of Santa Chiara in Udine during a pastoral visitation in 1601, brought to light by Giovanna Paolin, constitute rare exceptions. Of the seventeen nuns interrogated, twelve stated that their elders had forced them into the convent; five claimed that they had entered monastic life voluntarily. When her uncle compelled her to become a nun rather than remain at home with her mother as she wished to do, one averred, she professed entirely against her will. As time passed and her judgment matured, she explained, "I decided that I wished to serve God in this convent and save my soul and honor; my mind quieted down, and I'm willing to stay here." Two others, bowing to family priorities, resigned themselves from the beginning to their fates. "At the age of fifteen or sixteen," said one, "I became a nun voluntarily because, having several sisters, I considered it necessary to come in [to the convent]." Many of the sisters, however, resented the fact that on entry into the convent they had received little or no instruction about the Clarisse rule, enforcement of which had subsequently been tightened.[61]

The insights gained from Gilchrist and Winnicott prove useful in analyzing two cases in which witness testimony enables us to get inside the heads

60. Ibid., quotations at 140, 145, 147, 150.

61. Paolin, "Monache e donne," 118–19. During the second half of the sixteenth century, Santa Chiara was a hotbed of heresy. Paolin, "L'eterodossia."

of involuntary religious during their years in convents. Both regard women, who expressed their existential unease more openly and often than men—or so it appears in cause papers. One must always keep in mind, however, that women's greater expressiveness may be largely or entirely an artifact of the legal process. Both during the diocesan investigations and in assembling material to be presented to the SCC, as we saw in chapter 5, attorneys representing members of the "weaker sex" deliberately emphasized their clients' emotional fragility in order to render them plausible victims of force and fear.

"Restless and Melancholy": Rosa Luciana Rebello

The case of Rosa Luciana Rebello,[62] the penultimate petitioner in the series considered in this book, offers a glimpse of how witness testimony can shed light on a petitioner's inner life. The action takes place in the small city of Braga, seat of the ecclesiastical primate of Portugal.[63] Born on 26 September 1760 to José Rebello de Silva and Maria Teresa a Rua do Anjo, Rosa was the youngest of at least five offspring who survived infancy and early childhood.[64] Although her father's profession and socioeconomic status are never mentioned in the cause papers, he must have been reasonably affluent, for he sent at least one of his two sons to the University of Coimbra.[65] After his wife died, he hired a music teacher for his daughters Maria Clementina, Ana Alberta, and Rosa Luciana so that they would learn how to sing and play instruments—skills he rightly thought would enhance the possibility of their entering a convent.[66] That was the only destiny he contemplated for them. According to a slave in his household, he rejected several men who asked for

62. Quoted phrase in Pos. 1525 (20 April 1793 *pars* 1), Bracharen., Rebello, *Summarium* for convent, ([Rome]: Lazzarini, 1788), A1v (testimony of Mãe Sperança Angelica, n.d.).

63. In 1739, half a century earlier, Braga's population was 12,400; in 1759, Lisbon, the political capital, had 600,000 inhabitants. *HC* 6: 129n, 424n.

64. *Summarium* for Rebello ([Rome]: Lazzarini, 1788), A1r; *Restrictus Facti & Iuris* by Domenico Raimondo and Generoso Petrarca ([Rome]: Lazzarini, 1788), A1r.

65. *Summarium* for Rebello, B2r-v (testimony of Joaquim José dos Santos Pincheiro [probably a mistaken Italian rendering of Pinheiro], 15 January 1787). Another student witness identified this son as José Antonio. Ibid., B2v-3r (testimony of Bonaventura José Vasmuria, 15 January 1787). Not surprisingly, José Antonio—the eldest and most likely the designated heir—denied all knowledge of force and fear exerted on her. *Summarium* for convent ([Rome]: Lazzarini, 1788), A1r-v (testimony of José Antonio Rebello, n.d.). On his place at the top of the birth order, see *Restrictus Facti & Iuris,* A6v. Another brother confirmed all of Rosa Luciana's contentions. *Summarium* for Rebello, A6v-7r (testimony of Manoel Antonio Rebello da Rua do Anjo, 20 October 1686).

66. *Summarium* for convent, A1r (testimony of José Rebello de Silva, n.d.); *Summarium* for Rebello, A1r (interrogation of Rosa Luciana Rebello, 6 March 1787).

their hands in marriage, saying that "no one would eat up his money in that way" (that is, by pocketing a marital dowry).[67] When they vested on New Year's Day 1777 in Nossa Senhora dos Remédios, a house of Franciscan Tertiaries, he furnished substantial monastic dowries.[68] They professed together on 25 January 1778.[69]

Maria Clementina, eldest of the three Rebello sisters, apparently wanted to become a nun; Ana Alberta seems to have been resigned to if not enthusiastic about following her father's wishes. Rosa Luciana most certainly did not want to spend the rest of her life in a convent. Interrogated a decade later in the court of the archbishop's provisor (vicar general *in spiritualibus*), she explained the circumstances of her forced monachization. At home, José Rebello "continually advised and exhorted them to embrace the religious state, depicting it as sweet and pleasurable without revealing its burdens and its dependence on vocation." He kept the sisters in strict seclusion, forbidding them to talk with anyone other than relatives and Manoel Soares, the sole confessor he permitted them to consult. On learning of her aversion, Soares simply advised her to persevere. "With time," he claimed (like many an apologist for forced monachization before him), she would develop "the spirit and desire" required for the situation in which she found herself.

Before Rosa Luciana vested, the provisor put to her the required question about whether she was entering religious life voluntarily. Since her father and uncle were standing close by, taking snuff from the provisor, fear of them prevented her from responding truthfully in the negative. Later, during an

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67. Ibid., A7v (testimony of Maria, 24 November 1788 [but almost certainly 1786]). A neighbor who reported the same statement added further details, probably picked up in conversation with the slave Maria. When the nuns told José Rebello that they would take his two elder daughters, he retorted, "All three or none of them." Since he did not want them in the house, he would either put them to work in the kitchen or send them to "a strict conservatory." If he heard that one of them had married, he would disinherit her rather than letting her husband devour his money, and his bones would turn even in his grave. Ibid., A8v-9r (testimony of the violin maker Bento Francisco Tajardo, 27 November 1786).

68. Ibid., A1r. For the three dowries, José Rebello furnished 24,000 *cruzados* and 200,000 *reis;* in addition, he supplied for each of his daughters 100,000 *reis* for the sacristy, 8,000 for the house, and *un quarto d'oro* in "fees." This represented a considerable outlay, as some comparative data will show. In 1767, a decade before the Rebello sisters' vestition, the tycoon Gerard De Visme, a prominent British merchant operating in Portugal, purchased an agricultural estate (*quinta*) at Bemfica, outside Lisbon, for 8,000 *cruzados;* in the mid-1790s, he sold it for 30,000. http://jardimformoso.blogspot.com/2009/08/portuguese-money-in-18th-century.html (accessed 11 September 2009). As David Haberly has kindly explained to me, after the introduction of the *cruzado* in the early sixteenth century (minted first in gold, then from 1643 on in silver), an older copper coin, the *réal* (plural: *reis*), remained in circulation. Four hundred *reis* equaled one silver *cruzado.*

69. Ibid. Whether Rosa Luciana and her sisters took new names in religion the cause papers do not indicate.

encounter with her father in the convent parlor, her intention to inform him in her sisters' presence that she did not want to profess was again blocked by fear. Anticipating what she wished to tell him, her father announced that if she came anywhere near him, he would leave the room. Her reluctance to profess, he proclaimed, meant that "she was not his daughter. . . . He would never again give her anything; he would put her in an austere conservatory; and [he uttered] other similar terrible threats." She was suffering from an illness contracted during her novitiate, due entirely to her father's compulsion. According to the later testimony of medical men, "unless the primary cause of this affliction of her mind does not cease, medical remedies will have no effect." As a palliative, they advised her to seek relief at a spa. In concert with the nuns, José Rebello refused to send her there, saying that "if she dies, she dies; the death of a nun doesn't matter." Like other involuntary religious, she realized that if she were to expire in monastic incarceration, she had no chance of "eternal salvation" because she had lived a lie: she was not and never had been a bona fide nun.[70]

The self-portrait furnished in Rebello's testimony depicts a woman all alone. No sympathetic person consoled her, much less provided help for her in gaining release. Ignorant of the five-year rule, she could not take advantage of the opportunity to approach her ordinary for *nullitas professionis* before the clock ran out in late January 1783.[71] It is also a static portrait: the fearful sixteen-year-old girl who unwillingly took the veil in 1777 seems no different from the twenty-five-year-old woman who petitioned the pope in 1785. But as witness testimony makes clear, Rosa Luciana did change over time. A *summarium* on her behalf published in 1788 records the testimony taken in late 1786 and early 1787 from twenty-six witnesses: one of her brothers, her father's slave, five neighbors, three students, two physicians, a surgeon, and twelve or thirteen nuns in the convent of Nossa Senhora dos Remédios.[72]

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70. Ibid., A2r-3v (testimony of Rosa Luciana Rebello, 6 March 1787; additional declaration, n.d.). As in almost all transcripts originating outside Italy, this testimony was redacted in the third person.

71. As we have seen earlier and as Giulio Gabrielli, the SCC's secretary, observed in this case, girls were often ignorant of the five-year rule. *ThR* 57: 159 (20 September 1788). Even if she had petitioned Archbishop Gaspar da Bragança, he might not have authorized her release. In his letter accompanying the dispatch of the transcript of the diocesan investigation to Rome, he expressed opposition to that body's granting her *restitutio in integrum*. *Summarium* 2, A5r-v (Gaspar da Bragança to the SCC, 31 July 1787).

72. Ibid., A6v-B12r. Several lay witnesses claimed that her forced monachization was public knowledge in Braga. If, as appears probable, Abbess Rosa Felice da Gloria and Mãe Segnorina Rosa were the same person, the nun-witnesses numbered twelve rather than thirteen.

Lay witnesses spoke about the circumstances in which she was compelled to enter religious life, nuns about her years in the convent.

Rosa Felice da Gloria, age sixty, currently serving as abbess, was the first nun to testify. She had learned of José Rebello's having exerted force and fear on his daughter only through hearsay in the convent. Because Rosa Luciana during her novitiate had not manifested a "religious spirit," the witness had voted against admitting her to profession. During the first few years she was a nun, the young woman did not appear troubled or unhappy. Once she decided to file for release, her behavior changed; for the past six months, the abbess reported, she had neither attended services in the choir nor fulfilled any other monastic obligation.[73] An age-mate of Rosa Luciana who had been a novice at the same time, Mãe Mariana Vittorina, recalled that four or five years earlier, at Rosa Luciana Rebello's request, she had written to "a certain theologian of Coimbra" for information about claiming for release from vows. On the basis of his response, Rebello proceeded to do so.[74]

Three other nuns provided more precise testimony about a change in Rosa Luciana. According to Mãe Benedetta Eugenia, age fifty-one, her melancholy and illness emerged "a few years" after she had professed.[75] Mãe Francisca Gertrudes, age sixty, pinpointed the onset of overt repugnance and the appearance of "spots" on her body to three years earlier.[76] Mãe Catarina da Siena, age thirty-six, shortened the time frame to two years and added a tantalizing detail: about the same time, Rosa Luciana began to avoid communicating and associating with the other nuns because the abbess had forbidden her to talk with visitors in the parlor.[77] The nuns discreetly refrained from revealing a development about which at least some and probably all were surely aware. With a lawyer's directness and the benefit of hindsight, Giuseppe Mignola, who represented Nossa Senhora dos Remédios in its long legal battle against Rosa Luciana's release, explained forthrightly what had happened: she had fallen in love.[78]

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73. Ibid., B3r-4r (testimony of Abbess Rosa Felice da Gloria, 23 November 1786).

74. Ibid., B4v-5v (testimony of Mãe Mariana Vittorina, 10 February 1787).

75. Ibid., B6r-v (testimony of Mãe Benedetta Eugenia, 3 February 1787).

76. Ibid., B8v-9r (testimony of Mãe Francisca Gertrudes, 6 February 1787). José Rebello's slave Maria provided the fullest description of the "spots, which emit water and something like foam." Ibid., A8r (testimony of Maria, 24 November 1786). According to Rebello's brother, they appeared around her waist and neck and on her arms. Ibid., A6v-7r (testimony of Manoel Antonio Rebello, 20 October 1786). The "spots" fit the modern medical definition of skin abscesses caused by bacterial infection.

77. Ibid., B8r-v (testimony of Mãe Catarina da Siena, 6 February 1787).

78. *Pro Ven. Monastero & Monialibus S. Maria Dos Remedios . . . Facti* ([Rome]: Lazzarini, 1792), A1r.

On 20 September 1788 the SCC voted in favor of Rebello's being granted *restitutio in integrum,* a decision reaffirmed on 20 December.[79] Before the order to issue the decree of *nullitas professionis* reached Braga, Archbishop Gaspar da Bragança died; his successor was appointed fourteen months later.[80] During the *sede vacante,* the late archbishop's provisor, Pedro Paulo de Barros Pereira, continued to act in his stead. On 30 March 1789 he declared Rebello's profession null. The abbess duly declared "that the said Rosa Luciana may freely leave the cloister in secular garb, remaining therefore at liberty to go wherever she chooses."[81] Very soon thereafter, she must have married her inamorato, Luís José Alvares Teixeira de Abreu, for by 1793 they had four children.[82] Nossa Senhora dos Remédios vigorously contested her release on the ground that the provisor's power to act had lapsed with the archbishop's death. After several years of legal skirmishing, Queen Maria Francisca's Supreme Tribunal and the SCC finally succeeded in forcing the nuns to drop their frivolous suit. Now no doubt remained that Rebello and Alvares Teixeira were legally husband and wife and their offspring legitimate.[83]

In the case of Rosa Luciana Rebello, the testimony of witnesses provides mere hints of the petitioner's inner life. For confirmation of them, one must turn to other parts of the cause papers. Now let us examine a case in which witness testimony reveals much more.

"I wish I'd been drowned right after baptism": Catherine de Guillermin

Baptized on 30 August 1659 in Toulouse,[84] Catherine was the daughter of Jean de Guillermin, Baron of Seisses, and counselor in the Parlement of Toulouse,[85] and Antoinette de Cabrerolles de Villespassans, a noblewoman from Béziers. When she was seven or eight, her father put her in education

79. *ThR* 57: 60, 197.

80. Bragança died on 18 January 1789; Caetano Brandão was appointed to succeed him on 29 March 1790. *HC* 6: 129.

81. *Pro Ven. Monastero & Monialibus S. Mariae Dos Remedios . . . Summarium* ([Rome]: Lazzarini, 1792), A2v-3v.

82. *Responsio cum Summ. in Calce* for Rebello and Alvares Teixeira versus the convent ([Rome]: Lazzarini, 1793), A2v-3r.

83. *Summarium* for Rebello and Alvares Teixeira ([Rome]: Lazzarini, 1793), A6v-8v (Supreme Tribunal's ruling, Porto, 11 January 1791); ThR 62: 67–71 (20 April 1793).

84. Pos. 303 (23 July *pars* 2 and 13 August 1707), Tholosan., Guillermin, *Summarium* (Rome: Reverenda Camera Apostolica, 1705), B12v (*fede* of Guillermin's baptism).

85. Thus in *Memoriale cum Summario* (Rome: Reverenda Camera Apostolica, 1705), A1r; possibly Seissan, southwest of Toulouse and due south of Auch.

in the Toulousain convent of Nôtre-Dame, intending eventually to make her a nun. The cause papers suggest in passing his probable motive. As her mother put it much later, he aimed "to enrich another heir"—Catherine's eldest brother, Jacques, who followed his father into a legal career, eventually becoming in his turn a counselor of the Toulouse Parlement.[86]

From beginning to end, Antoinette's attitude toward her daughter's monachization vacillated—a common occurrence among mothers of forced religious. Occasionally she defied the priorities of her husband and son, but more often she remained subservient to them. In response to Catherine's threat to drown herself in a well, Antoinette took advantage of Jean de Guillermin's temporary absence and brought her home from Nôtre-Dame. When he returned to Toulouse, he was furious. To avoid his wrath, Antoinette left for a long visit with her brother and sister-in-law in Béziers. When she came home, she discovered to her horror that Catherine was in the Dominican convent of Sainte-Catherine de Sienne dressed in "the little habit," that is, at her father's insistence, she had vested. When Antoinette brought her home and dressed her in secular clothes, Jean presented his wife with a ultimatum: he would never look at her again unless their daughter went back into the convent. At this point, "wanting to please her husband and get back in his good graces," Antoinette urged Catherine to go back to Sainte-Catherine de Sienne, promising that when Jean died, she would help her get out.[87]

In the meantime, Catherine's father had begun to employ several typical tactics of force and fear: he excluded his daughter from the family dinner table, instructed her governess to reprimand her, and locked her up in her room. Her mother seems to have colluded in—or at least did not succeed in stopping—the mistreatment. So did Madame de Villespassans, Antoinette's brother's wife, who tore up her niece's silk dress. At length, Catherine bent under the pressure and returned to Sainte-Catherine de Sienne, where she unwillingly professed in 1675. Before doing so, she made a formal protest, witnessed by her mother and four other people, declaring that she was not professing of her own free will.[88]

Both before and after Jean de Guillermin's death in 1692,[89] Antoinette kept in frequent touch with Catherine through visits and by letter. For the

86. Ibid., A1r (testimony of Antoinette de Cabrerolles de Villespassans, 14 February 1705); *Memoriale cum Summario,* A3v (the SCC's request for information from the brother).

87. Ibid., A1v. According to another source, her father took her home. *Memoriale cum Summario,* A1r.

88. Ibid., A1r-v.

89. *Summarium,* B6v (attestation of his death at age sixty-five on 2 November 1692).

most part, she responded sympathetically to her daughter's frequent expressions of bitterness about her undesired fate. Not long after Catherine's profession, Antoinette wrote to say that her own heart was lacerated by distress at the situation and to predict that for having exerted force and fear, Jean de Guillermin and the nuns of Sainte-Catherine de Sienne would be damned.[90] About two years later, she promised to help her daughter gain release once Jean died and to try immediately to find her a less rigorous convent where her health would not be so gravely at risk.[91] Not until 12 September 1688 was Catherine transferred to a house in Le Mas-d'Agenais (diocese of Condom) that followed a mitigated version of the Dominican rule.[92] Since she was no happier there,[93] her mother arranged another move to a similarly nonobservant convent, the Dames Domenicaines at Les Junies (diocese of Cahors), where she stayed from 1694 until 1697. Returning to Toulouse, Catherine rented a room from the Dames Bernardines de Salenques until 1702, then she apparently joined her mother in the home of her brother Jacques.[94]

Up to and including her stay in the family residence, Catherine de Guillermin dressed in a nun's habit.[95] Neither in Sainte-Catherine de Sienne nor in her subsequent monastic domiciles (with which she refused formally to affiliate) did she behave in any other respect like a nun. Firmly convinced that on account of her forced profession, she was not and had never been a bona fide religious, she declined to participate in liturgical functions and other convent activities. Unlike Teresa Pallavicini (chapter 3), she did not avoid the professed nuns in these convents. Indeed, as the statements by several servants and many nuns make clear, the women with whom she lived in close proxim-

90. Ibid., A7r-v (Antoinette to Catherine, 12 July 1675).

91. Ibid., A7v-8r (Antoinette to Catherine, 20 May 1677). Catherine's letters are not reproduced in her attorneys' printed submissions to the SCC.

92. Loose manuscript material (vote by nuns of Sainte-Catherine, who considered the alternative of transferring her to a house following a mitigated version of the Dominican rule preferable to exempting her from following that rule in their convent, 22 August 1668); *Summarium,* B2v-3r (letter of Jean-Baptiste Michel Colbert, archbishop of Toulouse, authorizing the transfer, 7 September 1688).

93. Ibid., B6v (Antoinette to Catherine, 15 August 1689). In this letter the mother stated that her repetitive recounting of every torment she suffered did neither of them any good; she urged Catherine neither to write so harshly about her father nor to contemplate suicide. The one letter preserved in the cause papers indicating that Antoinette had lost patience with her daughter comes from 20 September 1693, when she told Catherine that she was hardly the first and only forced nun and would be able to get out once she, her mother, died. Ibid., B7rv.

94. *Memoriale cum Summario,* A2v-3v; *Summarium,* A8v (deposition of Frère Jean-Jacques Perein, OP, n.d.).

95. Ibid.; ibid., B3v (testimony of Madame Marianne de Malleret, prioress of the convent at Le Mas-d'Agenais, ca. 1704).; ibid., B8v (testimony of Madame Jeanne de Montemege, prioress of the Dames Domenicaines of Les Junies, ca. 1705).

ity served as her life preserver—the captive audience she desperately needed for her frequent, obsessive assertions of her True Self. Without such an audience, she might have carried out her threats to commit suicide or to use the duplicate keys she had secretly made to escape from her incarceration.[96] The witnesses' testimony, to be sure, may have been elicited by questions framed by her procurators. Nonetheless, it strongly suggests that Catherine crafted a long litany of lamentations, committed it to memory, and recited it at every possible opportunity—and that, willy-nilly, her listeners learned it too.[97]

Witness after witness and deponent after deponent quoted the formulae of this forced nun's tale. The servant Françoise Beau, who had entered Catherine's employ shortly after the death of Jean de Guillermin in 1692, moved with her from the convent at Le Mas-d'Agenais to the Dames Domenicaines at Les Junies and then to the Dames Bernardines de Salenques. Her mistress, she reported, complained almost every day, particularly about her mother. She expressed the wish that she had been drowned immediately following her baptism, as well as envy for the daughters of craftsmen and peasants, whose destinies did not include monastic life. "Many, many times" she cursed "the day she was born and her parents, who had made her most unhappy through violence."[98] Marie de Fournier, wife of the surgeon Michel Canruel, served Catherine during her time in the Dames Bernardines. One day when she handed her mistress her vestments, "the said nun became extraordinarily disturbed and violent, screaming that those horrible signs of her forced servitude must be removed from her sight." Making Marie sleep with her every night, Catherine kept the servant awake by retelling her story and repeating threats against her mother.[99]

Much more testimony and many more depositions came from nuns. Catherine de Boisset, a canoness in the Toulousain abbey of Saint-Sernin, had known Guillermin since their days in education at Nôtre-Dame. Then and ever after, her one-time companion had always "confided her most secret thoughts." At first they talked between the windows of Saint-Sernin and Sainte-Catherine de Sienne, located across the street. When a nun threw herself from the window of that convent, Antoinette, who had at first believed that it was her daughter who had committed suicide, moved Catherine to

96. Manuscript material (Père Selleries, ordinary confessor at Sainte-Catherine, to Guillermin, 22 April 1700). Assuring her that she was not a bona fide nun and referring to her having granted him permission to reveal what she had said in confession, he stated that he had urged her mother to assist in gaining release.

97. I allude here to research on bards in Homeric Greece and the modern Balkans. See Lord.

98. *Summarium,* B8v (testimony of Françoise Beau, n.d.).

99. Ibid., B2v (deposition of Marie de Fournier, n.d.).

Le Mas-d'Agenais. During her stays there and in Les Junies, she and Boisset kept in touch by letter. When Guillermin returned to Toulouse, her friend visited her weekly in the house of the Dames Bernardines. How many times Boisset heard and read Guillermin's litany of lamentations is impossible to say. She stressed another recurrent subject of conversation during their forty years' acquaintance: Catherine's intermittently flickering hope that eventually her mother would come to her assistance in obtaining her release from religious life.[100]

Nuns from the religious houses in which Guillermin lived—with the exception of her original monastic domicile, Sainte-Catherine de Sienne—bore witness, willingly or otherwise, to her articulation of her True Self. These included the prioress, subprioress, novice mistress, and four nuns in the convent of Le Mas-d'Agenais. Soeur Françoise de Bonneamie de Breton stated that Catherine "often recited the narrative [explaining why she did not follow the convent's mitigated rule], weeping and cursing her parents and wishing that they had drowned her after baptism" rather than forcing her into the convent. Soeur Marianne de Plaisance told of the petitioner's "envying the fate of artisans' and peasants' daughters because they were not forced to enter a state contrary to their will." All seven in this group spoke of her "alienation" from the convent's values and style of life.[101]

Among the Dames Domenicaines of Les Junies, seven were heard from. According to the prioress, Madame Jeanne de Montemege, Catherine never stopped talking about her problem. Madame Claire de Saint-Martin Defontes, the subprioress, asserted that it was her sole topic of conversation. Madame Marguerite de Lantar reported having heard that the nuns in Sainte-Catherine de Sienne had agreed to her leaving "because she bothered all the other religious"—perhaps a veiled allusion to a sentiment shared by nuns in other convents.[102] Two depositions from Dames Bernardines de Salenques struck the same chord: sympathy combined with barely concealed exasperation. Soeur Marthe de la Tour, age seventy-seven, who had first met Catherine in Sainte-Catherine de Sienne, attested to having spent most of every day hearing her story. The much younger Soeur Philiberte de Noë, a close friend of the unhappy forced nun, listened "many, many times" to her litany.[103]

Early in 1703 the number of times Catherine de Guillermin recited her tale of woe to successive audiences began to diminish. As explained earlier,

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100. Ibid., A6r-7r (deposition of Catherine de Boisset, 8 April 1705).
101. *Summarium,* B3v-6v (testimony of nuns in Le Mas-d'Agenais, n.d.).
102. Ibid., B8v-10r (testimony of six nuns, n.d.).
103. Ibid., B10v-11r (testimony of Soeur Marthe de la Tour and Soeur Philiberte de Noë, n.d.).

by this time she was back in her family home. On 11 February 1703 Antoinette made a deposition in which she admitted to and repented of her role in forcing her daughter to become a nun. Now, she claimed, she was willing to do anything, including throwing herself at the pope's feet, to help Catherine get out.[104] Shortly thereafter, Catherine petitioned the pope for *restitutio in integrum*. Following standard practice, the SCC ordered the archbishop of Toulouse to conduct an investigation, including an interrogation of Catherine's mother confirming her previous deposition, which the vicar general transmitted to Rome in February 1705.[105] In mid-July, the SCC voted to release Guillermin from her vows.[106]

The petitioner's legal adventure, however, was not yet over. In the hope of overriding the SCC's decision in a royal court, the nuns of Sainte-Catherine de Sienne, seconded by Catherine's brother Jacques, immediately challenged it in the Parlement of Aix. Joining the suit were her sister, also named Catherine, married to François de Catelan; at least one other brother, Louis; a man with the surname Guillermin whose first name is not given; and her mother, Antoinette de Cabrerolles.[107] Several aspects of this action remain unclear. Why did the opponents not resort to the SCC? Why was their suit brought in the Parlement of Aix, far to the east in Provence, rather than in the Parlement of Toulouse? Did the nuns and Catherine's relatives hope that members of a distant court with little knowledge of the issues and people involved would be likely to react favorably to their suit? Did pressure from Jacques cause his mother—who in 1702 had finally been persuaded by confessors to assist her daughter and had so deposed early in 1703[108]—to become a party to the suit aimed at blocking her daughter's release? In any event, Catherine promptly betook herself to Aix to fight the action. After she had been there for two years, the vicars general of Toulouse and Aix, both sympathetic to her cause, granted her license to go to Rome and appeal once again to the pope.[109] She arrived there on 20 July 1707.[110] Three days later, perhaps too

104. Ibid., B11v (deposition of Antoinette de Cabrerolles, 11 February 1703).

105. Ibid., B12r-v (Vicar General Jean Raby's report to the SCC, 18 February 1705); A1r-2v (interrogation of Antoinette de Cabrerolles, 14 February 1705).

106. LD 55: 264r-65r; *DSCC,* 384–85 (18 July 1705).

107. Pos. 303, loose manuscript material (17 September 1705).

108. On her change of mind in 1702: *Summarium,* A2r (interrogation of Antoinette de Cabrerolles, 14 February 1705). On her deposition, discussed above: ibid., B11v.

109. Manuscript material (letter from Edmond [Jean?] Raby, vicar general of the archbishop of Toulouse, to an unknown addressee, 25 November 1705; letter from Benjamin de La Vergne de Juliac, vicar general of the archbishop of Aix, to an unknown addressee, 31 March 1707).

110. Manuscript material (attestation by Prioress Angela Faustina Pegni of Santa Maria dell'Umiltà, a Dominican convent, 20 July 1707). *Facti & Iuris* by Manilio Urbani and Clemente Giorgi ([Rome]: De Comitibus, [1707]), A4r.

soon for her presence to have had any effect, the SCC voted a second time to grant her petition.[111]

Most likely the vicar general of Toulouse, who as we have just seen favored Catherine de Guillermin, duly issued the decree of *nullitas professionis.* Naturally, the cause papers shed no light on whether the successful petitioner returned to Toulouse, where reestablishing some sort of modus vivendi with her mother and brother would have been extremely difficult. One may well wonder whether at the age of almost forty-eight, after thirty-two years of desperately repeating the story of her one True Self, "the woman forced to wear a nun's habit who was not and never had been a bona fide religious," she was capable of devising an alternative persona appropriate to a new, different, and more gratifying authentic life.

Now we will shift to a topical treatment. Chapter 7 explores emotional and geographical distancing of involuntary religious from their families. Chapter 8 is devoted to the relationship between forced monachization and another pervasive feature of seventeenth- and eighteenth-century European history: war. Chapter 9, the conclusion, considers short- and long-term trends in forced monachization.

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111. PRP 20; LD 57: 279rv; *DSCC,* 699–700.

Chapter 7

Degrees of Separation

If adolescents were willing in the first place to enter monastic life, or rapidly resigned themselves to doing so, placing them in religious houses presented few problems. When they expressed reluctance or outright aversion to doing so, relatives had to employ coercive techniques aimed at reducing them to obedience. These measures were designed to inculcate fear and desperation by demonstrating to the young people selected for monachization that they no longer had a place in the family.

Almost always, forcers achieved their objective. Progressively alienated from their kin and without further access to financial and emotional support from relatives and friends, adolescents destined for monasteries and convents lacked any possibility of making their own way in the world. To young women raised in prosperous (often aristocratic) households, as all prospective nuns were, the prospect of earning a living as a craftswoman, market woman, domestic servant, or prostitute was inconceivable. Although the social spectrum from which prospective male religious came was broader, almost none of them had the training and experience necessary to enter decently paid employment. For members of both sexes, begging on the streets hardly constituted a realistic possibility. Sooner or later, these young people came to realize that since they could not survive on their own, they had no alternative to vesting and professing as religious.

We have already encountered numerous examples of the ways in which forcers worked to alienate adolescents from their families and thrust them into religious houses. Let us now examine these in more detail, beginning with emotional alienation (often achieved partly through physical abuse), proceeding to trickery, and then moving to geographical distancing.

Straightforward Emotional Distancing: Teodora Ferriol

On the least extreme end of the spectrum of psychological alienation stands the case of Teodora Ferriol of Valletta. After her father died around 1688, when she was fourteen, she and her siblings passed under the control of their mother, Florinda Cumbo, and her brother-in-law, the Knight of Malta Francesco Ferriol. They soon made it clear to Teodora "that there were many children, and the [family's sources of] income did not suffice [to provide for] all of them."[1] When Cumbo asked a religious whether compelling her daughter to enter a convent was permissible, he replied in the affirmative. "A ship is safer within than outside of the port," said he, using a metaphor with particular resonance on an island.[2] After Cumbo's slave Teresa failed to persuade Teodora that she must enter a convent voluntarily, her mother—according to several witnesses, "an inflexible woman [impervious to] any sort of pleas and persuasions"[3]—began to ratchet up the psychological pressure. If the young woman refused to enter San Pietro, the Benedictine house chosen for her,[4] her mother repeatedly threatened that "she would no longer regard her as her daughter and would treat her as a slave."[5] That last word was no farfetched simile: as mentioned earlier, this trial and others from Malta are full of slaves and former slaves.

Although Teodora was not subjected to physical coercion beyond occasional slaps in the face, she mustered little resistance to her mother's pressure.

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1. Pos. 332 (16 and 29 March 1710), Meliten., Ferriol, *Summarium* ([Rome]: De Comitibus, 1710), A1v (testimony of Domenico Ferriol, former slave of Ludovico Ferriol, Teodora's father, 2 March 1708). How many Ferriol children there were is not clear: Florinda Cumbo referred to several unmarried daughters. Ibid., C8r (testimony of Florinda Cumbo, n.d.) Two sisters, one living and the other dead, are mentioned in the cause papers.

2. Ibid., A4r-v (testimony of Anna Maria Ferriol Testaferrata, Teodora's married sister, 2 March 1708).

3. Ibid., B7v (testimony of Suor Maddalena Tonno and others, n.d.).

4. Teodora's mother and uncle probably selected this house because two of her paternal aunts, Cleria Maria and Diana Ferriol, were nuns there. Ibid., A6r (testimony of Suor Cherubina Tabone, 2 March 1708).

5. Ibid., A3v-4r (testimony of Teresa, Florinda Cumbo's slave, 2 March 1708).

She made only one counterproposal: that a sister accompany her into the convent. Her mother agreed, but Teodora doubted that she would follow through on her promise.[6] Then she shut herself up in her room, refused food and medicine, and declined to inspect the clothing and equipment purchased for her monachization.[7] In 1689 she reluctantly vested in San Pietro under the name Maria Egiziaca. Like many other unwilling novices, she initially refused to assume the habit or allow her hair to be cut.[8] On 23 April 1690, sure "that if she returned home, she would be scorned and maltreated," she professed.[9] Because Florinda Cumbo knew that several relatives—her sister-in-law Vincenza Ferriol in particular—opposed her forcing Teodora into the convent, she neither took her daughter around to visit them before she entered the novitiate nor invited them to the profession ceremony.[10]

Only around 1704, it would appear, did Teodora Ferriol find out that her mother's having exerted force and fear rendered her profession invalid. Her mother informed her, insisting that the death of one of her daughters, Candida, and the sterility of the other, Anna Maria, amounted to divine punishment for illegal behavior in regard to herself, which merited excommunication.[11] Florinda Cumbo, who in testifying expressed no remorse for what she had done, then granted her daughter permission to appeal for *restitutio in integrum* and *nullitas professionis.*[12] Although numerous witnesses testified that Teodora had been forced into the convent, had often protested, and had never resigned herself to being a nun, on 15 March 1710 the SCC rejected her petition.[13] As usual before secretaries' summaries began to be published in 1739, it is not possible to tell why the cardinals reached a negative decision.

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6. Ibid., C8r-v (testimony of Florinda Cumbo).

7. Ibid., A2r, A4r (testimony of Domenico Ferriol and the slave Teresa).

8. Ibid., B5v, B6r (testimony of the slave Teresa and Anna Maria Borg, n.d.).

9. Ibid., B6v (testimony of Anna Maria Ferriol Testaferrata, n.d.). *Facti* by Giuseppe Cappuccini ([Rome]: De Comitibus, 1710), A1r-2r.

10. *Summarium,* A4v-5r (testimony of Caterina Cassar, 2 March 1708); A8v-B2r (testimony of Domenico Ferriol, Maria Borg, and the slave Teresa, n.d.).

11. Ibid., C1r-v (testimony of Anna Maria Ferriol Testaferrata, n.d.).

12. Ibid., D1v-2r (testimony of Florinda Cumbo, n.d.). Florinda asserted that if she had chosen to do so, she could have forced Teodora to marry. The parish priest of San Paolo in Notabile stated that he had informed Cumbo, who consulted him about scruples, that she was obligated to let her daughter appeal. Ibid., C4v-5r (testimony of Don Silvio Pace, n.d.). Florinda's self-assurance and lack of remorse may have stemmed from her having received absolution from Rome for her actions. Ibid., C2r (testimony of Suor Fulgenzia Barbara, n.d.).

13. LD 60: 99r-v.

Complex Emotional Distancing: Sebastiano Domenico Cicatti

Sebastiano Domenico Cicatti's alienation from his family, which began during his childhood, involved siblings as well as elders.[14] Son of Pasqua Cicatti, who owned agricultural property near Arezzo in the village of San Leo,[15] he was born around 1667, the fourth in a brood of seven children. His three older brothers feature prominently in the story; the gender and names of three younger siblings are not mentioned in the records. At the bottom of the pecking order, he was subjected by his elder brothers to what one can only call mobbing. Testifying during the diocesan proceedings in 1711, the eldest, Santi, who was then parish priest of San Leo, remembered him as "a backward thing [*un coso malenso*], who annoyed all his other brothers." They beat him and deprived him of clothing. When the boys went to school in Arezzo, Sebastiano Domenico had to carry all their provisions, "as if he were a servant." If he came home drenched by rain, he was not allowed to dry himself off. He had little to do with his younger siblings. Frequently, he escaped his unpleasant home environment by spending the night with peasants.[16] Another elder brother, Alessandro, had the same recollection of young Sebastiano Domenico: because "he was not very bright [or "lively": *di poco spirito*], he gave little satisfaction to the rest of us"—including his parents, who "never looked kindly on the said Bastiano Domenico or welcomed him as they did us other children." Sebastiano Domenico's father and mother not only had no objection to his brothers' mistreating him, they may even have encouraged them to do so. He "lived in the house as if he were an outsider."[17] Two peasant witnesses asserted that Sebastiano Domenico, designated as "the beast of burden," was put to work tending the farm animals[18]—a job from which his brothers were apparently exempt.

When this disfavored brother and son reached adolescence, his father and three elder brothers decided that he should join the Servite Order, in which

14. My discussion of this case is drawn from Schutte, "La Congregazione del Concilio e lo scioglimento dei voti religiosi," 62–64.

15. Of the two towns by this name near Arezzo, one a few kilometers to the northwest and another farther away to the northeast, the Cicatti family probably resided in the former.

16. Pos. 358 (16 July *pars* 2 and 6 August 1712), 6 August 1712, Aretin., Cicatti, *Summarium* ([Rome]: De Comitibus, 1712), A2v (testimony of Santi Cicatti, 8 January 1711). The expressions *un coso malenso* and *di poco spirito* are difficult to translate. I am inclined to interpret them as meaning that he was timid and taciturn, not mentally retarded.

17. Ibid., A3v-5r (testimony of Alessandro Cicatti, 8 January 1711).

18. Ibid., A1r-v (testimony of Domenico q. Girolamo and Mattio q. Iacopo di Mattio, 18 and 28 January 1711).

Alessandro was already a prior. Sebastiano Domenico agreed to try, but after ten months as a novice at the mother house, Santissima Annunziata in Florence, he begged to come home "because he didn't like the way of life in the order." His father exploded in rage, threatening to cut him out of his inheritance. Said Santi, "We other brothers backed him up, not only because of the expenses incurred but also because of the dishonor attached to leaving a religious order."[19] Demoralized by a lifetime of mistreatment and lack of affection, Sebastiano reluctantly and tearfully professed in Arezzo in 1683 before his brother Prior Alessandro, taking the monastic name Angelo Maria.[20]

Like most other supplicants, Sebastiano Cicatti dared not claim *restitutio in integrum* until both his parents were dead. In 1711, when he submitted his petition, he was forty-five. During the investigation conducted by the vicar general of Arezzo, his two ecclesiastical brothers, Santi and Alessandro, testified on his behalf. In contrast to surviving perpetrators in numerous other cases, they did not explicitly express contrition for the part they had played in their younger brother's forced monachization or suggest that a confessor had compelled them to testify. "It was as clear as the sun," Santi nonetheless acknowledged, that his brother had professed against his will. Although Sebastiano Domenico had complained to his eldest brother thousands of times, not until their parents' demise did Santi agree to second his attempt to leave the Servite Order.[21] Despite the bishop of Arezzo's support for his request and the local Servite superior's assurance that the order had nothing against it, Cicatti's effort was unsuccessful: on 6 August 1712, the Congregation of the Council rejected his petition for release.[22]

"You'll go on the road begging, and I'll never look you in the face again": Luísa and Maria Magalhães, Giovanni Ambrosi, Francesco Bottati, Anne-Marie Fauque, Anne-Marie Beauregard

Unlike the situation with Ferriol and with Cicatti, most cases of distancing involved multiple tactics: not only psychological intimidation, threats or imposition of physical cruelty, and trickery, but also physical removal. Either in concert with mothers or stepmothers or in the face of maternal protests, some fathers and uncles settled members of the younger genera-

19. Ibid., A1v-3r (testimony of Santi Cicatti).

20. Ibid., A2v-3r. Santi stated that they decided on Sebastiano Domenico's professing in Arezzo because he would have refused to do so in Florence.

21. Ibid., A3r-v.

22. LD 62: 297r-98v.

tion in monastic communities distant from their homes. There, the forcers assumed, they would lack any possibility of calling on sympathetic relatives and friends for moral support and financial assistance in trying to gain release—an expectation not always fulfilled. Statements like the one quoted in the heading, which can also be translated as "I'll pay no further attention to you," pervade the cause papers in cases of forced monachization. Among innumerable examples, let us examine five.

In the fall of 1670, Rodrigo Magalhães, commander of a Portuguese army camp in the diocese of Elvas, told his daughters Luísa and Maria that if they did not follow his wishes and become nuns, "they would have to dress in sackcloth and go off wandering through the world, where they would never see him again."[23] In the early 1690s, Valerio Ambrosi of Venice told his son Giovanni "that if he didn't become a religious, I would deprive him of all assistance and he would have nothing to live on, for he would absolutely never enter my house again, and he'd always be a miserable beggar, and I'd never look at him except with a harsh, rigid eye."[24]

Around 1700 Francesco Bottati of Turin lashed out at his son, also named Francesco, whom he was trying to force into the Discalced Augustinian Order. When the young man appeared at his bedroom door, his father told him, "Bold and impertinent as you are, you have a lot of nerve presenting yourself before me! Get out of here! Remove yourself, go to the devil, and never show your face again or dare to call me father."[25]

Later in the eighteenth century, attorneys called attention to this type of threat by using typographical means of emphasizing it. In the mid-1730s, Jeanne-Claire de Fayard of Avignon frequently browbeat her eldest daughter, Anne-Marie Fauque. In a letter that Anne-Marie saved and put to use ten years later in petitioning for release, part of which her attorneys cast in the third person, Fayard wrote "that she'd be in need of everything, *that she'd never have anything besides what she* [Fayard] *decided to give her;* if she didn't bend to her [Fayard's] wishes and become a nun, she'd be put in a house of correction *very far from Avignon,* where she wouldn't see relatives or friends, deprived of everything she needed."[26] The letter concluded as follows: "*I strip*

23. Pos. 217 (9 and 23 April 1701), Elven. et Pacen., Magalhães, translated transcript of investigation in Bajadoz, unfoliated manuscript (testimony of Sor Clarice de la Guerra, 10 February 1700).

24. Pos. 335 (24 September 1707), Venetiarum, Ambrosi, *Memoriale cum Summario* ([Rome]: De Comitibus, n.d.), *Summarium,* A5v (testimony of Valerio Ambrosi, n.d.).

25. Pos. 354 (5 March 1712), Taurinen., Bottati, *Summarium* ([Rome]: De Comitibus, 1712), A2r (deposition of the elder Francesco Bottati, n.d.)

26. Pos. 776 (10 February 1748), Avenionen., Fauque, *Summarium* ([Rome]: De Comitibus, 1747), A2v (testimony of Anne-Marie Fauque, 21 October 1745).

myself of all natural sentiments. Don't count on me, and if you don't do as I wish, no longer consider me your mother."[27] About twenty years later, Antoine Beauregard of Chambéry beat Anne-Marie, one of two elder daughters whom he had decided to force into religious life, and then "*threatened that he'd send me into Switzerland, giving me only a dress made of sackcloth, and that I'd live in those parts on bread and water without ever hearing from him.*"[28]

Several features of these angry statements deserve attention. They were directed against children in their midteens who had been conditioned to respect and fear their elders. They were usually preceded and followed by physical and psychological abuse: slapping, shoving, and beating with hands, rods, sticks, whips, and clubs; reclusion in locked rooms on a diet of bread and water; exclusion from family meals; systematic disparagement, in marked contrast with expressions of favoritism toward other children. To us, as to the petitioners' attorneys, such statements constitute clear evidence of child abuse. Exactly what those who had made them thought is less clear. Urged by their confessors to clear their consciences, the fathers of Ambrosi, Bottati, and Beauregard expressed regret about having exerted force and fear; the first two repeated the exact words they had said to intimidate their offspring. What they repented of, however, seems to have been not abusing their children per se, but doing so with an illegal end in view. Now let us examine three such cases in greater detail.

Monachization across State Borders: Luísa and Maria Magalhães, María Ana de Sosa Fagundes, Arnoldine de Gouder

In the autumn of 1671, the Portuguese military officer Rodrigo Magalhães, whom we have just met, told his daughters Luísa and Maria, ages twenty-one and sixteen, to get ready for a trip.[29] The family, he said, had been invited to a wedding in the Spanish city of Badajoz, just across the border from their home in the diocese of Elvas. When they reached Badajoz, Luísa and

27. Ibid., C2r.

28. Pos. 1153 (23 February 1771), Gratianopolitan., Beauregard, *Animadversiones Facti & Iuris* by Giovanni Battista Zanobetti and Antonio Canestri ([Rome]: Bernabò, 1771), A2v. At Antoine's order, his widowed sister Jeanne-Marie Lard, who transported Anne-Marie from a convent in Tullins (Dauphiné) to Chambéry, made similar menacing statements about taking her niece to "a foreign country." *Summarium* ([Rome]: Bernabò, 1770), C2r (testimony of Anne-Marie Beauregard, n.d.); *Animadversiones Facti & Iuris,* A3v.

29. For brief treatments of the Magalhãnes sisters and Sosa Fagundes, see Schutte, "La Congregazione del Concilio e lo scioglimento dei voti religiosi," 73–74.

Maria learned that he had an entirely different kind of marriage in mind: their espousing Christ in the Hieronymite house of San Onofre. If they did not agree to do so, as we saw above, he told them that they would have to don sackcloth and go wandering through the world; and if they entered and then attempted to flee the convent, they would run into the point of his sword.[30] Despite opposition from the girls' mother, as well as from some of the nuns, he accomplished his objective. During their novitiate, Luísa and Maria disobeyed the rules and protested frequently that they were being forced. Nonetheless, they were compelled to profess in November 1672. Twenty-two years later, in 1694, they petitioned the pope for *restitutio in integrum*.[31]

Once the sisters' petition had been forwarded to the SCC, the bishops of Elvas and Badajoz were ordered to conduct investigations, which as usual proceeded slowly. Testifying in February 1700, several nuns of San Onofre suggested that reasons other than the usual one of preserving the family patrimony may have motivated Magalhães to force Luísa and Maria into the convent.[32] The former novice mistress, who had remonstrated with him about his daughters' evident disinclination to embrace the monastic life, recalled his retorting that his "credit and reputation" depended on their doing so.[33] Two others reported his having said that he did not want them to bear his grandchildren.[34] On the basis of hearsay, a younger nun asserted that he had mentioned wishing to avoid their being summoned before the Inquisition. These statements raise the possibility of *converso* ancestry, and perhaps crypto-Judaism, on one or both sides of the family.[35] Whatever his motives, Rodrigo Magalhães selected a convent in another kingdom and crafted a lie to inveigle Luísa and Maria into entering it. In April 1701, almost thirty years after they had professed, the SCC authorized their release.[36]

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30. Pos. 217, translated transcript of investigation in Badajoz, unfoliated manuscript (testimony of Sor Maria Barrera, 10 February 1700).

31. Ibid. Why they waited so long is not clear. Petitioners often refrained from doing so until the person(s) who had forced them were dead, but Rodrigo Magalhães survived until 1698.

32. No siblings are mentioned in the cause papers.

33. Pos. 217, translated transcript of investigation in Badajoz, unfoliated (testimony of Sor Ana Maria de San Jerónimo, 8 February 1700).

34. Ibid. (testimony of Sor Maria de Mendonça and Sor Teresa de los Rios y Barbellido, 8 and 10 February 1700).

35. Ibid. (testimony of Sor Teresa de los Rios y Barbellido, 10 February 1700). My colleague David Haberly informed me that Portuguese surnames, of which there is a very small stock, provide no clues about *converso* origin. Magalhães, a common last name shared by the explorer known in English as Ferdinand Magellan, is rendered in SCC documents as Magallhanes.

36. LD 51: 170v, 171v.

The Magalhães sisters were not the only women from the Portuguese diocese of Elvas who were forced into Spanish convents. Twenty years later in Campo Maior, Maria Ana de Sosa Fagundes fell in love with a young soldier, Fernando Pereira de Morales, who asked for her hand. A few days later, she received a second marriage proposal, this one from Diego Lopes. Her father, João de Sosa Fagundes, and her stepmother flew into a rage: they had long planned to prevent the marriage of João's only child in order to appropriate the inheritance coming to her from her mother, who had died shortly after her birth. First, João attempted to strangle his daughter; at the last moment, his wife prudently dissuaded him from committing murder. One evening at midnight he awakened Maria Ana, shouting that she was dishonoring the family. Three hours before dawn, he told her to dress and put a veil over her face so that she could not be recognized. Setting her on the pommel of a horse ridden by his brother, the Observant Franciscan Manoel da Paixião, he spirited her across the border to Badajoz, where he forced her to vest under the name of Maria and then to profess in the Clarisse house of Santa Lucia.[37]

To prevent his daughter's lining up support from Portuguese friends, João Fagundes ordered the nuns not to call her by her full name or let her speak with anyone from Campo Maior. Another factor isolating Maria Ana, she and some of her witnesses later alleged, was that she did not know a word of Spanish, which she managed to learn only after several years in the convent.[38] Taken literally, this claim seems absurd. Portuguese and Spanish do not differ greatly; inhabitants of border towns must have been familiar with and able to communicate after a fashion in both languages.[39] On the other hand, in a state of shock, Maria Ana may have been psychologically incapable of processing oral and written statements on subjects about which she was in denial: the interrogation by the bishop's secretary about whether she was willing to become a nun, the renunciation of her goods to her father, the instruction

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37. Pos. 470 (19 December 1722), Pacen., Fagundes, *Pro D. Maria de Sosa Fagundes . . . Iuris* ([Rome]: Zinghi & Monaldi, 1722), A1r (*supplica* of Maria Ana de Sosa Fagundes).

38. Ibid., 5, 13, 20, 25, 29, 36, 43 (testimony of Fagundes, 2 January 1720; Abbess Beatriz Teresa de Meneses, 18 December 1717; Luis Barradas, the petitioner's uncle, 16 July 1720; Pedro Garzia Rego, 19 December 1719; Sor Angela Ruano y Moscosa, 19 December 1719; Rodrigo Anes, n.d. [1719]; Sor Sebastiana de la Cruz, n.d. [1719]. Rodrigo Anes (thirty-six), her cousin, observed that he and others who traveled frequently between Campo Maior and Bajadoz "always lapse into their native language when they speak Castilian."

39. Thanks to Alison Weber for her counsel on this issue. On acquisition of language in the early modern period, see Cyr, 169–71. Several nuns denied the petitioner's claim about not knowing Spanish. One stated that during her novitiate, Fagundes talked easily in that language with other inhabitants of the convent until the topic of her future in religion arose. *Pro . . . Iuris,* 56 (testimony of Sor Isabel de Morales y Guzman, 12 August 1720).

imparted to her during the novitiate, the vows she unwillingly pronounced on 21 December 1692.[40]

In 1706 Maria Ana secretly procured a decree from Rome restoring her to lay status; but because her father was still alive, she had to reserve it for future use. On learning that her stepmother had died and her father, who was about to remarry, intended to endow his new wife with one-half of his daughter's goods, she bargained for an increase in her living allowance. If her father provided it, she said, she would turn over to him the decree of *restitutio in integrum,* about which he had previously known nothing. Since he could not read Latin, he did not realize that the document she handed him was not what she claimed it to be but a decree exempting another nun from holding the office of abbess.[41] Immediately after João Fagundes's death on 22 November 1719, Maria Ana had a notary draft and send off a petition to the pope.[42] After the resolution of complications regarding her father's will, which bequeathed all his goods to a confraternity and none to her, the SCC voted on 19 December 1722 to release her from her vows.[43] Here we have a young woman with a highly developed sense of True Self: she even had the intestinal fortitude to scheme to outwit her father.

Arnoldine Philippine de Gouder de Beauregard was born in the Spanish Netherlands in 1674, after her father's death. Her mother, who soon remarried and bore two sons, wished to pass all of her first husband's estate to them, but she faced a problem. The law of succession in the region dictated that a dead man's goods go to his issue; until they reached the age of majority, his surviving spouse received only the usufruct—and if she remarried, nothing at all.[44] Somehow, therefore, Arnoldine had to be put out of the law's reach. An ideal solution presented itself: forcing her into a convent, which would necessitate her renouncing all claims on her father's estate. Despite Arnoldine's vehemently expressed aversion to becoming a nun, as well as protests by her maternal aunt,[45] her mother placed her in a house of Franciscan Tertiaries in Straelen (diocese of Roermond), located in a part of Gelderland

40. Ibid., 3–4 (testimony of Fagundes, 2 January 1720).

41. Ibid., 6–7, 12 (testimony of Fagundes, 2 January and 3 September 1720).

42. On her father's death: LD 72: 565r-v, *ThR* 2: 250–51.Her petition: *Iuris,* A1r (before arabic pagination begins).

43. PRP 35, LD 72: 591r; *ThR* 2: 252, *QCM* 12: 386–87.

44. Pos. 290 (10 July 1706), Antverpien. seu Ruremonden., Gouder, *Restrictus Facti & Iuris* (Rome: Reverenda Camera Apostolica, 1704), A1r; *Summarium* (Rome: Reverenda Camera Apostolica, 1704), A2r-v.

45. The cause papers contain frequent references to the Marchioness d'Aves (Gouder's mother's sister), who apparently provided testimony in support of her niece that is not reproduced in the dossier.

within the United Provinces.[46] Since it lay in a war zone across a political border, the possibility of her filing a protest, getting out, and laying claim to her father's goods seemed remote.

There Arnoldine Gouder was compelled to vest in January 1692. Well aware of her unwillingness to profess, the nuns sent her home, but her mother refused to receive her. When neither her paternal relatives in Liège nor her maternal kin in Gelderland proved willing to lend financial or moral support,[47] she had nowhere to go but back to the convent. Setting aside their serious reservations about her suitability for a life in religion, the nuns allowed her to profess on 5 April 1693.[48] Unwilling to reconcile herself to her fate, she performed her religious and domestic duties negligently, asserted that her soul would be damned, and spoke about committing suicide.[49] Within five years of professing, she secretly appealed to Reginaldus Cools, bishop of Roermond, whom she approached again after he became bishop of Antwerp in 1701. Within a year after the death of her mother in September 1702, she appealed to Rome.[50] Prevented by the war from having his vicar investigate her claims, to which he was sympathetic, Bishop Cools deputized a religious in Straelen to do so. Resisting intimidation from Gouder's maternal relatives, the Capuchin provincial, Tranquillinus Trudon, managed to gather testimony supporting her cause. After the bishop's first dispatch of the dossier to Rome in September 1705 went astray in the confusion of ongoing armed conflict, he sent it again in February 1706, buttressed by the testimony of two authoritative new witnesses whom Trudon had recently interviewed.[51] On 10 July of that year, the SCC granted Gouder's request for release from the vows her mother had forced her to take.[52]

To the father of the Magalhães sisters, Maria Ana Fagundes's father, and Arnoldine Gouder's mother, sending daughters off to become nuns in neighboring states at war with their own must have seemed like a foolproof strategy for excluding them permanently from the inheritance stream—or in the case of Maria and Luísa Magalhães, the reproductive one. Two of these plans did not achieve the intended result: exclusion from the patrimony. The

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46. Straelen is now in Germany (Nordrhein-Westfalen).

47. *Novum Summarium* (Rome: Reverenda Camera Apostolica, 1706), A2v (Reginaldus Cools to the SCC, 17 September 1705).

48. *Restrictus Facti & Iuris,* A1v-2r.

49. *Summarium,* A2v-4v (excerpts from testimony of Zuster Sibilla Tennelsens, Zuster Margherita Mielters, and Zuster Maria Clara Pacquay).

50. Pos. 290, *Summarium,* A4v-5r (Gouder's notarized protest, 18 August 1703).

51. *Restrictus Facti & Iuris,* A1r; *Novum Summarium,* A2r (Bishop Cools to the SCC, 17 September 1705); *Secunda Iuris* (Rome: Reverenda Camera Apostolica, 1705), A1v.

52. LD 56: 228v-29r.

scheme of Rodrigo Magalhães did. By the time his daughters were released, they were undoubtedly beyond the biological point of being able to produce the grandchildren he did not want. Other parents, as we are about to see, attempted to manipulate different kinds of borders: the seas between mother countries and colonies.

Overseas: Luís de Almeida, Bernardo de Jesús Maria e José, Jerónima Bernarda Antúnez, Antonia Alfonsa Angulo

Portuguese and Spanish colonies overseas played a distinctive role in Iberian monachization.[53] As the case of Luís de Almeida illustrates, the threat of sending a recalcitrant adolescent to a far-off colony far could have the effect of persuading him to become a friar. Around 1720 in the diocese of Lisbon East,[54] Luís de Almeida's father, Adriano, forced him to vest in the Augustinian Hermit house of Nossa Senhora da Graça, where his elder brother Carlos already held a position of authority. If Luís refused to profess, Adriano warned him, he would receive a beating, after which he would be "sent to the Indies tied up like a rascal"—a convicted criminal sentenced to penal exile—and no longer recognized as his father's son.[55] Like most of those confronted with such a threat, the young man succumbed to the pressure and became a friar. Carlos de Almeida later admitted that he too had participated in coercing Luís. Although he hoped that his younger brother would eventually reconcile himself to his monastic destiny, he took precautions. So that Luís, who seven months after professing had secretly appealed to his ordinary, would not be able to do so again, Carlos assigned him to a succession of monastic houses "outside the court," that is, far from Lisbon.[56] The death of his parents in 1732 enabled Luís to seek annulment of his monastic

53. This was not the case in New France. As is well known, French monks, friars, and nuns went to Canada of their own free will.

54. On 7 November 1716, as a reward to King João V for his helping the Venetians against the Turks, Pope Clement XI divided the archdiocese of Lisbon into two parts (East and West), making the latter a patriarchate. Benedict XIV reunited them on 13 December 1740. *HC* 5: 397, 6: 424.

55. Pos. 675, Ulixponen. Orient. (17 December 1740), Almeida, *Summarium* ([Rome]: De Comitibus, 1739), A1v. The word I have translated as "rascal" is *birbo* in the transcript, translated into Italian; in the original Portuguese transcript, no longer extant, it may have been *vadio* (lazy person, vagrant). Adriano de Almeida's threat no doubt brought to Luís's mind the Portuguese government's and Inquisition's practice of *degredo* (relegation): sending criminals into penal exile in the colonies. See Coates, 23, 191. I thank Thomas M. Cohen for calling this book to my attention.

56. *Summarium* A1v-3r (testimony of Carlos da Santa Inês, by then provincial of the Augustinian Hermit Order, 30 March 1735).

vows, a move that neither his archbishop nor his order opposed.[57] Influenced in part, perhaps, by the petitioner's personal interview with the pope, in 1740 the SCC granted him first *restitutio in integrum* and then *nullitas professionis,* a decree usually issued by the ordinary.[58]

Fragmentary evidence from the same diocese, Lisbon East, shows that at least one Portuguese adolescent forced into the monastery was actually sent to the Indies. At the age of eleven or twelve, a young man identified only by his religious name, Bernardo de Jesús Maria e José, was compelled by his father to don the Observant Franciscan habit in a monastery on the family estate. The father promptly shipped him off to São Tomé de Meliapur, near Madras, where he professed unwillingly three months before his fifteenth birthday. "Away from his homeland in that very remote part of the world," he explained in his petition, he could not appeal within five years for release from his vows. In 1733, having returned to Portugal, he asked that the archbishop of Goa, "primate of all the Orient," be instructed to investigate his contentions. As he reminded the pope, correspondence between Rome and Goa usually took several years to reach its destination.[59] Bernardo's petition was passed to the SCC, which issued the order he had requested. Not surprisingly, its records contain no sign of further developments in his case.[60]

The parents of two women born in Spanish colonies compelled them to enter convents in the mother country. Around 1670, when she was nine or ten, Jerónima Bernarda Antúnez Muñoz y Suárez de Deza and her sister Juana, five or six years younger, were sent off in the company of a "brown" slave from their native city, Cartagena de Indias (now in Colombia), to southwestern Spain. On their arrival in Sanlúcar de Barrameda on the Atlantic coast near Cádiz, they moved in with their paternal aunt, María Antúnez Muñoz, and her husband, Bartolomé de Arroyo. Although the childless couple had promised to welcome the girls, they treated them harshly. Some four years later, Aunt María discovered to her horror that Jerónima had been corresponding with a man she intended to marry. She beat her niece, cut off her hair, and locked her up. Managing to escape, Jerónima took refuge in the nearby Dominican convent of Madre de Dios. Although she had no inten-

57. *Summarium,* A12v–13r (attestations, presented by the petitioner regarding Adriano de Almeida's demise on 11 February 1732 and that of his wife, Josefa de Silva, a week later); *ThR* 9: 21–24.

58. LD 90: 105r–6v (3 September 1740), 311r–v (17 December 1740).

59. In the best of circumstances, voyages on the *carreira da India* (the convoy of ships plying the 12,000-mile route between Lisbon and Goa) took from five to eight months. On the outward journey, the convoy departed in March or April and arrived in September. In the other direction, the convoy left in December or January and arrived in August. Coates, 67–69.

60. Pos. 588 (13 and 27 June 1733), Ulixpon. Orient., Bernardo de Jesús Maria e José; PRP 46 (27 June 1733).

tion of becoming a nun, the nuns persuaded her to vest, saying that doing so did not constitute a lifetime commitment to remaining in a religious house. The question of her professing, which her aunts and uncles favored, was put off until her parents, José Antúnez and Catalina Suárez, arrived in Sanlúcar. Through an exterior window of the convent, Catalina informed her daughter that if she refused to take her vows, she should not count on reentering the secular world; instead, she would be poisoned.[61]

On 7 October 1679, three days before professing, Jerónima appeared with witnesses before a notary. At her parents' and other relatives' insistence, she declared, she was renouncing all claims to her inheritance, but she would be professing entirely against her will.[62] Three or four years after she had taken her vows, theologians informed her that a profession brought about by force and fear was null. She so informed her mother. A Discalced Carmelite prior urged Catalina to supply the 1,150 scudi needed for her daughter to launch an appeal. Since others advised her that Jerónima's leaving the convent after several years as a nun would disgrace the family, she did not furnish the money.[63] By 1699, according to the former slave María de Betancur, confessors had persuaded Catalina to consider her conscience and support her daughter's legal effort.[64] The SCC's first decision in her case, taken in late 1699, was negative. When they reconsidered it in the spring of 1702, the cardinals voted to approve Jerónima Antúnez's release.[65]

Antonia Alfonsa Angulo Ramírez de Arellano and her sister Inés were born and raised in Oran, a Spanish enclave on the North African coast. Around 1700, Alonso, their widowed father, commander of the Spanish fortress at Ceuta, began to make inquiries about placing them in a convent on the mainland. Two of his friends recommended the Cistercian house of San Bernardo in Málaga. In 1702, at the ages of fourteen and thirteen, respectively, the girls entered in education.[66] As his daughters were well aware, Alonso intended that as soon as possible, they vest and profess there. Although nei-

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61. Pos. 228 (11 March 1702), Prov. Bethicae, Antúnes, *Summarium* (Rome: Reverenda Camera Apostolica, 1701), A1r–2v.

62. Ibid., B2r–v.

63. Ibid., B7r–8r (testimony of Catalina Suárez, 13 June 1699).

64. Pos. 200 (14 November and 28 November, first part, 1699), Prov. Bethicae, Antúnes, *Summarium* (Rome: Reverenda Camera Apostolica, 1699), A10r (undated testimony of María de Betancur).

65. LD 49: 379r, 455r (14 November and 12 December 1699); LD 52: 97r–v (11 March 1702).

66. Pos. 475 (15 May 1723, first part), Malacitan., Angulo, *Summarium* ([Rome]: Zinghi & Monaldi, 1723), C5r (testimony of José de Frias, Málaga, 6 March 1714). The other man who recommended San Bernardo, Luis Velásquez y Angulo, was not questioned. Officially declared *mente captus* (insane) in May 1715, he died in Madrid in mid-February 1717. Ibid., D1r–2v (death certificate; testimony of Velásquez's physician, lawyer, and parish priest, 16 and 23 May 1722).

ther of them had wanted to leave Oran or become a nun, Inés seems to have adjusted easily and quickly to the future her father had mapped out. Antonia, on the contrary, never wavered in expressing strong aversion to the monastic state. From the moment she entered San Bernardo, she attempted to contact her maternal aunt in Granada, Isabel Ramírez de Arellano, for help in getting out. By intercepting and confiscating her letters, Inés blocked these efforts. Whenever visitors came to the convent parlor to talk with Antonia, Inés and other members of the monastic community stationed themselves nearby to listen in, which made frank conversation about her problem impossible.[67]

As the time for making her profession approached, Antonia's state of mind deteriorated to the point that the nuns in San Bernardo, suspecting diabolic possession, had her exorcised and locked up in a storehouse. Perhaps prompted by the nuns, the beata Juana de la Incarnación warned her that if she did not profess, eight legions of demons would bear her away to hell.[68] Her father's friends threatened that if she set off for Oran, she would be thrown overboard as fish bait.[69] Testifying eight years later, Alonso Angulo averred that when he came to Málaga to attend his daughters' profession, he was astonished to discover that Antonia did not want to take her vows. Assuring her that he had her best interests in mind, he agreed to take her home, but illness prevented him from maintaining his promise. This self-justifying account sounds disingenuous; almost certainly, he insisted that she profess.[70] In the absence of any alternative, she did so on 10 November 1705 under the religious name María Antonia.[71]

Like many other nuns, Antonia Angulo apparently knew nothing about the Tridentine rule on appealing within five years after profession.[72] In 1713, three years late, she brought suit in the episcopal court of Málaga. Because more than five years had passed, the procurator fiscal refused to hear her

67. Ibid., A3r-v (presentation by Miguel de Unsibai Pérez, Angulo's procurator, 23 October 1713), C6v-9r (testimony of Marqués Gonzalo José Arias Pacheco Davila and his wife, Isabel Ramírez de Arellano, diocese of Ávila, 10 April 1714).

68. Ibid., A5v-6r, B1v-2r (testimony of Sor Juana Olera de la Parra, 26 October 1713; and Sor Inés Angulo Ramírez de Arellano, 17 October 1713). Spanish *beatas* were lower-class freelance holy women, not formally affiliated with religious orders.

69. Ibid., A3v, A6r (presentation by Angulo's procurator, 23 October 1713; testimony of Sor Juana Olera.

70. Ibid., B5v-7r (testimony of Alonso Angulo, 10 November 1713). Other witnesses state that he too issued the fish bait threat and paid no attention to his sister-in-law's protestations against the forced monachization of his niece. Ibid., A6v, B2v (testimony of Sor Juana Olera and the Augustinian Hermit Francisco de Córdoba, 27 October 1713).

71. Ibid., A2r-3r (inspection of profession register, 5 May 1722).

72. Ibid., D2r-3v (testimony of the Observant Franciscan Bernardo Casuo. (23 May 1722).

claim of *nullitas professionis.* But in 1715 the bishop approved it. When the fiscal appealed that decision to the archiepiscopal court in Seville, it was reversed. Angulo's procurator immediately challenged the sentence, and on 10 December 1717 the vicar general of Seville authorized her to appeal to the pope.[73] More than four years later, disregarding persistent objections from the procurator fiscal of Málaga and the nuns of San Bernardo, the SCC voted favorably on her petition.[74]

To us, these parents' forced monachization of their offspring appears cruel and unusual. In fact, only the first instance presents no redeeming feature. Adriano de Almeida's threatening to send Luís to the Indies amounted to a total rejection of his son. He was prepared not only to disavow the father-son relationship but also to relegate Luís to the status of a common criminal. That he achieved his intended purpose, coercing his son into entering the monastery, and did not in fact carry out his threat made little difference: the words had been said. In the other two cases, the parents had understandable reasons for what they did. José Antúnez and Catalina Suárez could probably have found a convent in Cartagena de Indias in which to place their daughter Jerónima. Because they apparently intended to return to Spain, a monastic house in tranquil, familiar Sanlúcar de Barrameda may have seemed a more appropriate and perhaps safer choice than a religious house in the turbulent colonial port city. Sending Jerónima and her sister Juana across the ocean to Sanlúcar presented other clear advantages: getting them out of the family home, which may have been filling with other children; letting relatives temporarily assume supervisory and financial responsibility for them.[75] At the time Alonso Angulo made his decision, his two motherless daughters, Antonia and Inés, had reached the "dangerous age" of puberty. They were apparently bereft of female relatives in Oran; there were probably no convents in that city, and certainly none in the fortress town of Ceuta. Sending them to Málaga, the nearest city in peninsular Spain, to become nuns was therefore his only logical option.[76] All three cases, however, presented a central problem, identified eventually in the SCC's decisions: although none of these adolescents wished to enter religious life, their parents forced them to do so.

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73. Ibid., C9v-D1r.

74. *Facti* by Vito Angelo Cavalletti ([Rome]: Zinghi & Monaldi, 1723); LD 73: 207v-8r (15 May 1723).

75. José Antúnes was born in Potosí, but his sister's living in Sanlúcar suggests that the Antúnes family came from southwestern Spain. After her return to the mother country in 1679, eight months pregnant, Catalina Sánchez seems to have remained there.

76. In Oran, the Angulo sisters' paternal uncle, Felipe, was in charge of them (neither his wife nor any other female relative is mentioned), and there were no convents. Pos. 475, *Summarium,* A10v (testimony of Sor Inés Angulo, 27 October 1713).

Petitioning from a Distance: Maddalena Bassi, Maddalena Farner, Anna Antonia Ciera

Among unwilling religious who petitioned for release, the small proportion of women may be explained in part by some secular governments' restricting or completely outlawing nuns' appealing to Rome.[77] Such a prohibition can be illustrated in detail in the Republic of Venice. On 22 March 1501 the Venetian Senate forbade appeals to Rome about matters concerning nuns in the absence of prior authorization from the government. On its face, this law aimed primarily to maintain the state's jurisdiction over ecclesiastical subjects. It had a second, unstated agenda: preserving Venetian patricians' ability to use convents as depositories for surplus daughters—those who by reason of mental or physical handicaps were unsuited for marriage, and those for whom parents could not or did not choose to assemble the appropriately high dowries required to wed them to their social equals.[78]

Proceedings in the Senate on 2 October 1627 vividly illustrate the Republic's continuing emphasis on the prohibition. To gain release for Altadonna (Lucrezia) Barbarigo, an unwilling nun in the Augustinian convent of Sant'Alvise, her brother Sebastiano and her mother, Lucrezia Foscarini, had petitioned the pope without informing the Venetian government.[79] Urban VIII passed the request to the SCER, which granted Altadonna's release. When the matter came to light, the doge turned it over to the Senate, which ordered Altadonna's relatives to renounce publicly the decree they had obtained in Rome, reprimanded their attorney for keeping the government in the dark about the maneuver, and reminded the patriarch of Venice of his obligation to bring such matters to the Senate's attention. In addition, the Senate mandated very stiff penalties for violators of the 1501 law. Patricians holding office would be removed from them; patricians who did not hold office and commoners would be banished for ten years from the city and its district.[80] The senators made explicit their motive for enacting such

77. This section draws on Schutte, "Between Venice and Rome."

78. I have not succeeded in locating the Senate's *parte* of 22 March 1501.

79. Lucrezia Foscarini married Zuan Alvise Barbarigo on 12 September 1589. ASVe, Misc. Codici, Storia veneta 17–23, Arbori de patritii veneti, 1.2: 181; Avogadori di Comun, Matrimoni, 1: 470. Sebastiano (1594–1663), the youngest of their three sons and the only one who married, later became a major supporter of the "aspiring saint" Cecilia Ferrazzi. See Ferrazzi; and Schutte, *Aspiring Saints*.

80. ASVe, Compilazione leggi, b. 290, 290r–92r (*parte* of Senate, 2 October 1627); also in ASVe, Provveditori sopra Monasteri, b. 2, Capitular I, 71r–72v. Many thanks to Francesca Cavazzana Romanelli for directing me to the series Compilazione leggi.

severe penalties: "if such an escape route were permitted, without doubt there would be many [nuns] who would try to get out of convents."[81]

Blocked by the Venetian prohibition of appeals to Rome by or on behalf of female religious, three forced nuns residing in the Serenissima (as the Republic of Venice was often known) during the early modern period decided on an audacious course of action: fleeing from Venetian territory to states from which they could freely petition the pope to have their cases judged by a Roman forum. The adventures of Maddalena Bassi and Maddalena Farner are closely intertwined. Early in 1681, to their dismay, the two young women found themselves confined in the Venetian convent of Santa Maria Maddalena ("Le Convertite"), the establishment on the Giudecca founded in the sixteenth century to house repentant prostitutes. Strictly speaking, Bassi and Farner did not fall into the category of *donne libere penitenti,* women who had engaged regularly in mercenary sexual relations and had then decided (or had been compelled) to "convert," that is, to expiate their sins by entering a convent. Rather, they were concubines of older higher-status men, who, in order to get the women out of the way temporarily but preserve them for future sexual use, forced them into monastic reclusion.

Born around 1664 in Cremona to the painter Francesco and his unnamed wife, Maddalena Bassi soon relocated with her family to Venice. At age sixteen, she became the concubine of Paolo Vedova, a businessman, and before long she found herself pregnant. After her furious father beat and tried to poison her and her insufficiently vigilant mother, she fled to Vedova's villa in Trevignano, west of Treviso. There she bore a child, whose sex, name, and fate the cause papers do not mention. Allegedly to put Maddalena beyond her vengeful father's reach, Vedova consigned her to the Convertite. In order to mark his property, he imposed on her the monastic name Paolina Vedova, the feminine version of his own.[82] On the strength of a license he obtained on her behalf from the Congregation of Bishops and Regulars, she unwillingly

81. Medioli, "Monache e monacazioni nel Seicento," 673.

82. To my knowledge, naming practices for nuns have been closely examined only in late medieval and early modern Florence. Before the mid-fifteenth century, most retained their baptismal names. Between 1450 and 1530, superiors in Florentine convents appear to have chosen and assigned new names to young women at the time they vested. Strocchia. In the seventeenth and eighteenth centuries, men and women seem to have been able to select their own religious names. Medioli cites a ruling of the SCER (undated but clearly from the seventeenth century) allowing a nun to choose her religious name, provided that it was "neither pagan nor profane." "To Take or Not to Take the Veil," 133n13. See also Calino, 237–50. McGough mentions but does not comment on two ex-concubines (not the ones discussed here) who entered the Convertite in Venice under female versions of their lovers' names.

professed on 28 June 1681, just three months (not the full year required by the convent's rule) after entering the house.[83]

Maddalena Farner, whom we met in chapter 6, was born on 12 May 1665 in Venice, the daughter of German immigrants, the tailor Cristoforo and Orsola, his wife. In her midteens, she entered into a "friendship" with a wealthy merchant, Giovanni Battista Cellini.[84] Just before leaving for Amsterdam to serve as Venetian consul, Cellini decided to put Farner in the Convertite "so that she would not pass under anyone else's control" while he was away.[85] One evening early in 1681, he took her there to see a theatrical performance and left her to stay overnight with the nuns, promising to pick her up the next morning. Instead, he forced her to remain there.[86] Less than four months later (forty-two days short of sixteen, the minimum age for monastic profession) she was compelled to take her vows.[87] Like Vedova, Cellini presented a license from the Congregation of Bishops and Regulars authorizing her immediate profession.[88] Performing the seventeenth-century equivalent of tagging his house pet, he prescribed that in religion she be called Battistina Cellini.[89]

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83. Pos. 68 (25 June 1689), Venetiarum seu Mantovan., Bassi and Farner, *Summarium* and *Facti et Iuris* (Rome: Reverenda Camera Apostolica, 1688): separate publications for each. Francesco Bassi procured a supply of poison from a priest at the church of San Pantalon; he probably used it to do away with his wife, whom he suspected of complicity in his daughter's relationship with Vedova. The SCER frequently allowed repentant women to vest and profess immediately on entering a Convertite house or after an abbreviated novitiate. In 1681 it issued twelve such dispensations: nine for women entering the Convertite house in Venice; one each for women entering similar establishments in Mantua, Vicenza, and Florence. The license for Bassi may be found in ASV, Congr. Vescovi e Regolari, Reg. Monialium 28, 55r-v (13 March 1681).

84. Cellini (b. 12 June 1647) was married with four children. On 22 August 1685 his 100,000-ducat "donation" to the Republic of Venice brought about the family's aggregation into the patriciate. Barbaro, 2.8: 317–19. His death (not recorded by Barbaro) must have occurred after 28 February 1686, when he wrote from Amsterdam to the Venetian board of Trade. VeAS, Cinque Savi alla Mercanzia, 1ª serie, Consoli, b. 613, no. 5.

85. Pos. 168 (18 August 1696), Venetiarum seu Mantuan., Farner, *Summarium* (n.p.: n.pr., n.d., but probably Rome: Reverenda Camera Apostolica, 1696), A4v, A8r (testimony of Cristoforo Farner and Conte Francesco Maria Leonio, n.d.).

86. Pos. 68, *Summarium* for Farner (Rome: Reverenda Camera Apostolica, 1689), A3v.

87. LD 38: 38v (31 January 1688).

88. Pos. 68, *Facti & Iuris* for Farner (Rome: Reverenda Camera Apostolica, 1689), A4r (copy of the license, dated 28 February 1681 and authenticated in Rome on 15 October 1688). The original in ASV, Congr. Vescovi e Regolari, Reg. Monialium 28, 37r (13 February 1681) does not mention her being underage.

89. Another woman forced into a Convertite convent under the surname of a man whose concubine she had been was Bartolomea Tobini of Verona. After raping Tobini, his ward, the Veronese cavalier Giacomo Moscardi married her off on 26 November 1686 to Antonio Stancarini, a shoemaker. Three months later, Moscardi abducted and proceeded to maintain her as his concubine. In June 1688, to placate his wife and relatives, he placed her in Santa Maria Maddalena, the Convertite house in Mantua, under the monastic name Vittoria Felice Moscardi. Soon thereafter, when Tobini's

In February 1684 Bassi's procurator filed a judicial protest on her behalf, but after being warned that if she pursued legal action, she would be thrown into prison and then drowned in the lagoon, she desisted.[90] Although the governor of the Convertite, Alessandro Cellini (by a perverse coincidence, Giovanni Battista's father), prevented Farner from receiving visitors, she somehow managed to engage a procurator, who in March represented her before the patriarch's vicar general.[91] Nothing came of her effort. In 1685—"so as to have a free field to prove the nullity of [our] profession," as Farner put it[92]—she and Bassi fled to Mantua. At first they lodged together in Santa Maria Maddalena, the Convertite house, but in May 1686 Bassi transferred to the elite Clarisse convent of Santa Paola.[93] Their appeals to the pope went to the SCC, which ordered the bishop of Ferrara to investigate.[94] As usual, the bureaucratic wheels turned slowly, and not in a direction favorable to Bassi and Farner. On 31 January 1688 the SCC voted against their release.[95] Eighteen months later, on 25 June 1689, it rejected their requests for new hearings.[96]

After 1689 these companions in misfortune parted company. As to what became of Maddalena Bassi, the records of the SCC are silent; her acquisition of a new monastic name, Isabella Chiara, suggests that she professed in Santa Paola.[97] Farner persisted in her effort to gain release from monastic life. On 1 November 1691 she petitioned the pope anew, and once again her case

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pregnancy was discovered, she was moved out of the convent to the house of its steward, where on 21 March 1689 she gave birth to a girl. Pos. 180 (25 January 1698), Mantuan. seu Veronen., Tobini, untitled manuscript, 1r-4v (petition from Tobini and Stancarini to the pope, n.d.; testimony of Suor Cecilia Mazzetti [4 March 1697] and Suor Giovanna Amadei [15 March 1697]). Maddalena Farner, who had known Tobini in the Mantuan convent, testified in this case on 22 March 1697. Ibid., 11r-13r. On 25 January 1698 the SCC authorized Tobini's release. LD 48: 37v-38v.

90. Pos. 68, manuscript Facti for Bassi, unfoliated (testimony of Bassi, 8 October 1687).

91. Pos. 68, *Summarium* for Farner (1689), A3v (testimony of Farner, n.d.).

92. Pos. 68, loose sheets, unfoliated (testimony of Farner, 11 October 1687).

93. Bassi and Farner are undoubtedly the two unnamed nuns mentioned in passing by Medioli, who states that the SCER ordered them imprisoned in the Mantuan Convertite house and subjected to salutary penances while "awaiting judgment on whether they would be taken back to Venice." Medioli, "The Dimensions of the Cloister," 175. The original document, which Medioli does not cite, reads somewhat differently: the women are to be absolved of censures for fleeing and must await the pope's decision on how their case is to be handled. ASV, Congr. Vescovi e Regolari, Reg. Monialium 32, 54r-v (23 February 1685). On Bassi's transfer, see her testimony given on 11 October 1687 in the investigation conducted by the cardinal bishop of Ferrara. Pos. 68, manuscript transcript, 21r.

94. LD 38: 38v-39r. Pos. 68, loose sheets, unfoliated (Bassi and Farner's attorney to the SCC, n.d.); Cardinal Bishop Carlo Cerri of Ferrara to SCC, 1 October 1687.

95. PRP 9; LD 38: 37v-38v (Bassi), 38v-39r (Farner).

96. PRP 9; LD 39: 214v.

97. Pos. 68, *Summarium* for Bassi (Rome: Reverenda Camera Apostolica, 1688), A7v.

was forwarded to the SCC.[98] A new team of lawyers, including Domenico Ursaya, prepared printed submissions demonstrating that her acceptance into the Convertite of Venice violated numerous articles of the establishment's constitutions. As we saw in chapter 6, witnesses who had been unwilling to support Farner's case as long as her former "patron" was alive eventually came forward to confirm the highly irregular circumstances of her profession.[99] Their testimony had the desired effect. On 18 August 1696 the SCC restored Farner to her status quo ante, that of a lay woman, and ordered the bishop of Mantua to implement her release.[100]

The case of Anna Antonia Ciera of Padua provides an even more striking example of flight from the Republic of Venice in order to escape its prohibition against appeals to Rome for liberation from the convent. Of the ten offspring born to the Paduan noble Francesco Ciera and Santa Capello, his wife, Anna Antonia was the second or third among five daughters.[101] Three of her sisters married (the fourth seems to have died young); none of her brothers became a priest or religious. Why her father and his brother Giovanni, a monk, destined her alone for life in religion remains unclear. The cause papers contain no mention of a financial motive or any allusion to her being physically unattractive or handicapped. As her subsequent behavior indicates, there was certainly nothing wrong with her mind.

Francesco and Giovanni Ciera forced Anna Antonia into the Benedictine convent of Santa Sofia in collusion with one of the senior nuns, Encennia Soranzi, who took charge of her while she was an *educanda*.[102] As she later recalled, her uncle threatened to poison her if she refused to become a nun. Her father predicted that as a lay woman, she would have a dismal future: "until the age of 50, I'd have to remain shut up and utterly despised, after which I'd have to serve as housekeeper to my brothers' children."[103] In 1691, after a protracted novitiate, she unwillingly took her vows under the

98. PRP 10; LD 41: 282rv; Pos. 92 (17 November 1691), Venetiarum seu Mantuan., Farner.

99. Pos. 168, *Summarium* for Farner (1696).

100. PRP 12; LD 46: 345r, Pos. 168. Six months after her release, when she testified on behalf of Bartolomea Tobini, Farner identified herself as the wife of Dr. Cesare Berselli.

101. The names of Maria, Marta, and Elisabetta appear in the dossier. Elisabetta mentioned another sister, whose name she did not give; perhaps this girl died young. Pos. 380 (7 July 1714), Patavin., Ciera, unfoliated (deposition of Elisabetta Ciera Volta, 5 September 1712). This dossier contains no printed material, which is very unusual. The explanation may lie in the unconventional way in which Ciera's release came about. Her petition, furthermore, is the only one I have encountered that is couched in the first person, which suggests that she herself, not Volta or some other legal representative, may have composed it. Whether it is in her hand is impossible to determine.

102. Very often a girl consigned to a convent was placed under the supervision of an aunt, but there is no indication that Anna Antonia and Suor Encennia were related.

103. Pos. 380, unfoliated (Ciera's petition, received by the SCER on 26 March 1711).

monastic name Prudenza Eletta. Santa Capello, who strongly opposed her daughter's forced monachization but had no influence on her husband and brother-in-law, could make only a symbolic protest: declining to attend the ceremonies of Anna Antonia's vestition and profession.[104]

Presumably within five years of professing, Anna Antonia Ciera petitioned her ordinary, Cardinal Bishop Gregorio Barbarigo, for release.[105] This petition and subsequent appeals to his successor, Cardinal Bishop Giorgio Corner, got her nowhere. Corner had not the slightest inclination to challenge the state's policy of keeping nuns in their convents. On one occasion, when he came to Santa Sofia to preside over the election of a new abbess, Anna Antonia seized the opportunity to inform him of her problem and to plead for his help. As she explained in her petition to the pope, Corner replied "that he sympathized deeply with my plight, and were it not for the obstacles he knew the Republic would put up, he would free me and annul my profession, without regard to the impediments adduced by the nuns or anyone else; but being certain of those obstacles, he did not know how to console me."[106] Following the demise of her husband and brother-in-law in the mid-1690s, Santa Capello consulted some learned religious, who informed her that a monastic superior could annul her daughter's profession. (This statement was only partially correct. He would have had to act in concert with the ordinary no later than the date in 1696 that marked the fifth anniversary of her profession.) The Benedictine provincial mouthed sympathy but opined "that when [a woman] is a nun, it is necessary that she remain one."[107]

Her repeated efforts to obtain legal relief in the Republic of Venice completely blocked, Ciera (by now probably in her midthirties)[108] decided at last that flight was her only alternative. Before dawn on 18 October 1710, with the help of two *converse,* she descended on a rope from her cell in Santa Sofia,[109] got into a carriage, and ordered the driver to head south. She planned

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104. Pos. 380, manuscript Summarium, unfoliated (testimony of Santa Capello, 10 December 1710).

105. Ibid. (testimony of Don Domenico Fiorini, 15 September 1712). On Barbarigo (1625–1697), beatified in 1761 and canonized in 1960, see Benzoni.

106. Pos. 380, Ciera's petition. On Corner (1658–1722), see Preto, "Corner, Giorgio."

107. Pos. 380, Ciera's petition.

108. As explained earlier, the SCC ordinarily dealt only with petitioners who had taken vows at least five years earlier.

109. Details on her escape, gathered by the *podestà* (Venetian administrator) of Padua, may be found in ASVe, Consiglio dei Dieci, Lettere di rettori, b. 102, nos. 162–63, 165 (Ferigo Venier to the Council of Ten, 20 October and 16 November 1710). Vettor Gradenigo, the doge's secretary, instructed the *podestà* on 19 December 1710 to prosecute the two lay sisters, then in prison, in a secular court. Compilazione leggi, b. 289, 217r.

to go straight to Rome, but illness forced her to halt in Bologna—or so she told the SCER.[110] In fact, the second city of the Papal States—home of Elisabetta, her youngest sister, and Elisabetta's husband, Achille Vincenzo Volta, who had often visited and commiserated with her in Padua—was clearly her intended destination.[111] Volta took immediate action. First, he informed his ordinary, Cardinal Archbishop Giacomo Boncompagni, of Anna Antonia's dilemma.[112] Then he went to Padua and tried to present a letter to Cardinal Corner, who told him that he would have to approach the Venetian Senate. In Venice, Volta learned that the Senate had opened a secret investigation of the Ciera matter, which was being conducted (as he put it) with "jealousy and rigor that couldn't be greater if this were a crime against the divine majesty or something else touching the cult of God." Beyond warning him that he risked arrest, the Venetians with whom he spoke declined to involve themselves in the case.[113]

From Bologna, Anna Antonia Ciera petitioned Pope Clement XI. He forwarded her case to the SCER, which ordered Cardinal Corner to conduct an investigation in Padua. Making no effort to conceal his opposition to Ciera's legal effort, Corner alleged that he could not shed light on events that had occurred before he became bishop; his only concern was ensuring that the lay sisters who had aided her escape were punished.[114] Probably at Cardinal Boncompagni's suggestion, the case passed on 25 September 1711 to the SCC,[115] which a year later ordered that an investigation be conducted in Bologna. A summary submitted by Ciera's attorneys contains the documents sent to the SCC: depositions furnished by Santa Capello, Elisabetta Ciera Volta, Achille Vincenzo Volta, and the priest Domenico Fiorini, who with Volta had visited her in Padua in 1701.[116]

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110. Pos. 380, Ciera's petition.

111. Elisabetta and Achille married in 1699. Ibid., deposition by Achille Vincenzo Volta (6 December 1712).

112. On Boncompagni (1652–1731), see Coldagelli.

113. Pos. 380, Volta to Boncompagni, Bologna, 23 December 1710. No trace of the Senate's investigation seems to have survived.

114. Ibid., Corner to an unnamed addressee (Padua, 5 March 1711); Corner to Archbishop Vincenzo Petra, secretary of the SCC (Padua, 1 February 1713); Corner to Cardinal Bandino Panciatichi, prefect of the SCC (23 February 1714).

115. Boncompagni and Corner were members of the SCC for many years. For their nonattendance record, see chapter 4.

116. Pos. 380. The transcript sent by Boncompagni to Rome on 8 October 1712 is not in the dossier. Santa Capello deposed in Padua on 17 June 1704 and again on 10 December 1710; Elisabetta Ciera Volta, Domenico Fiorini, and Achille Volta deposed in Bologna on 5 September, 15 September, and 6 December 1712, respectively.

As usual, the SCC proceeded at a snail's pace in dealing with the case. In the late spring of 1714, Cardinal Boncompagni asked a correspondent in Rome to inform the SCC's secretary that Anna Antonia, who for some time had been living in the Dominican convent of Santa Maria Maddalena, was frustrated at the long delay. So were her hostesses, who had yet to be compensated for her lodging, board, and medical expenses. Unless a decision was announced soon, Boncompagni feared, major trouble would ensue.[117] The unhappy Paduan nun and her supporters did not have to wait much longer. On 7 July 1714 the SCC voted to release her from her vows and restore her to lay status.[118]

Petitioning from Exile: James Daly

That the SCC considered only two petitions from Anglophones is not surprising. England and Scotland, of course, had broken with the Roman Church in the sixteenth century. For Britons who migrated willingly to the Continent in order to enter monasteries and convents, the occasion for seeking release never arose. Ireland, ruled as a conquered territory by English administrators and soldiers in uneasy collaboration with the elite Anglo-Irish segment of the population—which remained largely Catholic—was a different matter, as a fragmentary and unsuccessful appeal submitted by James Daly shows.[119]

The cause papers in Daly's case consist of two letters. The first, dated 22 July 1700, is his petition, couched as usual in the third person. He had entered the Galway house of the Augustinian Hermit Order in 1683. Three or four months after he professed, he explained, he and his confreres were forced by "perturbations" to flee. Since his monastery had ceased to exist, it was impossible for him to file with his ordinary for *nullitas professionis.* Subsequently, in some unspecified location, he took priestly orders and served in monastic office, including headship of a house. From exile outside Ireland

117. Ibid., Boncompagni to Dionigi [no surname] (19 May 1714). On the Dominican convent of Santa Maria Maddalena di via Galliera, see Zarri, "I monasteri femminili a Bologna dal XIII al XVII secolo," 205, no. 48.

118. PRP 27; LD 64: 274v-75r, 278r. By this time Anna Antonia Ciera was around forty, almost certainly too old to marry. One may hope that she lived happily ever after as an honored guest—not a maiden aunt charged with child minding, as her father had predicted—with her sister and brother-in-law in Bologna.

119. The Irish Dominican Thomas Fenning, a fellow researcher in the ASV, kindly enhanced my understanding of the Irish situation. Among other things, he told me that the form of Daly's last name given in SCC records, O'Daly, is incorrect. The other petition from an Irishman, the Franciscan Michael Wall (1726), is also fragmentary.

(again, he did not say where), he humbly begged the pope for *restitutio in integrum*.[120] On 30 October 1700, the vicar general of Kilfenora, William Daly, responded to the SCC's recent request for James's petition and the transcript of testimony gathered on his behalf. The Church in Ireland, he explained, was being persecuted; appealing to Rome was a capital offense. The most he could risk sending, therefore, was James's petition. Unable or unwilling to respond flexibly to a case coming from a country "under the Cross," on 15 January 1701 the SCC rejected Daly's request and sent him the standard order issued to religious who petitioned from outside their houses: put on your habit, return to your monastery, and transmit the transcript of testimony taken during the diocesan investigation.[121] For obvious reasons, James Daly could not comply. The SCC never heard from him again.

Inexplicable Monachization Far from Home: Johann David Grebner, Pietro Cicchi

Let us end this discussion by examining briefly two puzzling cases of petitioners a very long way from their birthplaces who claimed that they had professed prematurely, before the minimum age of sixteen. Born in Venice in 1683 to a Venetian mother, Johann David Grebner (Gabriel) professed as an Augustinian Hermit six months before turning sixteen—not in his native city but in Vienna. It seems possible that he had followed a father of Central European origin to the Habsburg capital, but the cause papers shed no light on his relocation. Only on a visit to his mother in Venice around 1718 did he discover that his profession was illegal on account of age, at which point he promptly sued for *nullitas professionis.* Perhaps, his superior speculated, no proof of age had been required when he vested because the expense of obtaining a baptismal certificate from Venice was too great. Whatever the explanation may have been, the SCC turned down his petition on 8 February 1721 and reaffirmed the negative decision seven months later.[122]

Mariano Cicchi and Maria Giusti of Diecimo in the Garfagnana (diocese of Lucca) had several children. One of them, Pietro, died a few days after his birth on 4 August 1676. To memorialize their dead child, the parents gave his name to their next son, born on 14 October 1678. Why the second Pietro "was taken" from Tuscany to Puglia to the Reformed Franciscan house in

120. Pos. 213 (4 September 1700), Finaboren., Daly. The request for information is in PRP 13, same date.

121. PRP 14, LD 51: 53r–v.

122. LD 71: 73r, 398v–99r (8 February and 13 September 1721); *ThR* 2: 15–16, 19, 79–80.

Cascalenda (diocese of Larino) the passive voice in his lawyer's presentation leaves completely uncertain. In any event, at the time of vestition in September 1693, he presented a baptismal certificate furnished by the elderly parish priest of Diecimo that pertained to his deceased brother. Thus, when he professed as Mariano da Diecimo on 12 September 1694, he was a month underage.[123]

The cause papers do not reveal whether this was merely a careless error or a successful attempt at deception on someone's part. On a visit home during the winter of 1705–6, Pietro was informed by his brother Giovanni Battista of his real birthdate. Having checked the baptism book in Diecimo, which confirmed what his brother had told him, Pietro went to Naples and filed (too late) for *nullitas professionis.* Then, on advice from the commissary general of his order, he petitioned the pope for *restitutio in integrum*. Clement XI passed his petition to the SCC, which ordered the bishop of Larino to conduct an investigation. The resulting transcript, transmitted to Rome late in 1709, obviously did not contain firsthand evidence as to when Pietro was born. After long delays, during which the case was repeatedly subdelegated to the bishop of Lucca, the SCC obtained an official copy of Cicchi's baptismal certificate, buttressed by testimony of witnesses in Lucca. In January 1727, Cicchi was finally granted what he had been seeking for almost two decades: release from his monastic vows.[124]

Grebner's and Cicchi's cases are anomalous in several respects. As noted, neither claimed that he had been coerced into entering religious life, by far the most common ground for requesting *restitutio in integrum* and *nullitas professionis.* Instead, on account of a baptismal certificate never presented in one instance and erroneous in the other, each had been led unwittingly—or so he claimed—to profess before the age of sixteen. Why the Venetian Grebner became a friar in Vienna one can only guess. The monachization of a Tuscan, Cicchi, in Puglia remains a mystery.

In the next chapter, we will explore the impact of war on coerced monachization. As one might expect, it played a particularly prominent role in the case of men. As a genuine reason or a specious pretext, however, it also had an impact on women.

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123. Pos. 519 (11 January 1727 *pars* 1), Larinen., Cicchi, manuscript Facti, unpaginated, n.d. His lawyer's claim that he professed a year and three months early is clearly mistaken.

124. LD 77: 2r-v (11 January 1727).

Chapter 8

War and Coerced Monachization

From 1668 to 1763, the first ninety-five years of our period, armed conflict involving European states was under way most of the time. Even when it was not, troops stationed near potential hot spots stood by in readiness for the next outbreak. Only in 1763, when the Peace of Paris brought the Seven Years' War to a conclusion, did combat on land and sea come virtually to an end until the 1790s, when the wars of the French Revolution began.[1]

With a few cross-dressing exceptions such as the Basque "nun-lieutenant" Catalina de Erauso (1592–1650),[2] women did not serve as combatants in early modern European conflicts. As we shall see, however, war had consequences for female as well as male religious. The disruptions it caused could be used as a pretext for forcing a young woman into the convent, ostensibly for her own protection. For both women and men, hostilities in course or on the horizon could complicate efforts to gain release. In another way, war had a more direct impact on male adolescents. Elders presented many with two alternatives: "Either go into the monastery or I'll sell you to the war,"

1. On war in seventeenth- and eighteenth-century Europe, see *The Reader's Companion to Military History; European Warfare 1453–1815; War in the Early Modern World;* and Black. To calculate the number of years in which wars were being waged, I have used *The Encyclopedia of World History.*

2. See Catalina de Erauso.

that is, into service as a common soldier or sailor.[3] Faced with this Hobson's choice, most young men, fearing death in battle or realizing that they were physically unfit to serve in an army or navy, reluctantly entered religious life. Subsequently, a few of them, finding monastic life intolerable, ran away to become soldiers. These men later returned and tried to regularize their status by petitioning for nullification of their vows.

"In these wretched times of war": Aimée Caissel

The youngest of seven siblings,[4] Aimée Caissel was born around 1662 in Gray, a town in Franche-Comté on the Saône River about 25 kilometers northwest of Besançon, the diocesan seat, and close to the border with Burgundy.[5] Her father, Jean-Baptiste Caissel, died when she was around eight, leaving her and her siblings under the control of their mother, Benigne d'Arch. With the exception of the fourth daughter, Anne-Alexandrine, who married Jean-Baptiste Dubon of Gray, one after another of Benigne's children entered religion—probably at her insistence and certainly to her satisfaction. Étienne became a Premonstratensian; Claude-François, a secular priest; Marguerite-Thérèse, a Carmelite under the name Thérèse-Augustine; Sabine, an uncloistered Ursuline; and Marie-Thérèse, a Franciscan Tertiary.[6]

In the summer of 1682 Benigne d'Arch decided that the time had come to settle Aimée. According to the sworn testimony she gave eighteen years later, the mother informed her daughter that "she needed to think of choosing a life status, and that the best one was religion, for the place was full of soldiers who had dishonored many virgins, even well-born and rich ones, and she [Benigne] feared that a similar disgrace would befall her [Aimée]."[7] Benigne naturally had in mind a particular destination: the Carmelite con-

3. On the recruitment, miserable life, and high death rate of common soldiers and sailors, see Parker, Showalter, and Gudmundsson.

4. The quoted phrase comes from Pos. 220 (9 July 1701), Bisuntin., Caissel, translated examination of witnesses, manuscript, 10 (testimony of Aimée's sister Anne-Alexandrine Caissel Dubon, 22 January 1700). This witness reported her mother's words.

5. Her date of birth is inferred from a notary's comment about signatures on the instrument of agreement between her mother and the Carmelite convent dated 21 July 1682 about financial arrangements for her entry: "that of the said Aimée Caissel . . . appears to us to have been written by an insecure and trembling hand, even though the said Aimée was then twenty years old." Loose sheet, unpaginated (deposition of Bonaventure Joy, 25 January 1700). France had acquired Franche-Comté, previously held by Spain, in the Treaty of Nijmegen (1678).

6. Marie-Thérèse's secular name is not given. The fifth daughter, unnamed, died unmarried around 1675. Translated examination of witnesses, 6 (testimony of Benigne d'Arch, Gray, 22 January 1700).

7. Her testimony, like all the rest in this and most other non-Italian cases, was recorded in the third person.

vent in Gray, where her eldest daughter was a nun. Protesting that "a free, secular state" would suit her much better, Aimée demanded her paternal and maternal portions and a dowry. Her mother flatly refused, alleging that she could not afford to put up cash for a marital dowry. Begging for time to think the matter over, Aimée asked that her entry into the convent be postponed until after the grape harvest and a visit of missionaries scheduled to conclude in early September.[8] Her Ursuline sister, Sabine, seconded this request.[9] Since Benigne, who had to go to her estate at Dornon to oversee the picking of grapes, did not want to risk leaving her daughter at home unsupervised and at the mercy of soldiers (or so she said), she insisted that the vestition take place on 15 August.[10]

According to Aimée's married sister, Anne-Alexandrine, their mother was afraid that the young woman might flee. So were the nuns, who took her straight into the cloister for vestition rather than letting her first attend the customary service in the outer church dressed in her secular clothes.[11] Only one of Aimée's siblings, her sister Thérèse-Augustine, denied categorically that their mother had compelled her youngest daughter to enter the convent; if that had been the case, the Carmelite nun alleged, she herself would have blocked Aimée's admission.[12] Aimée's other sisters and brother told a somewhat different story. Claude-François provided a particularly harsh assessment of Benigne d'Arch: "His mother has always been brusque, commanding, and violent toward her children, who through respect and timidity have never dared to resist her will or talk back to her, fearing to irritate her further and incur blows." Even now, as a fifty-six-year-old priest, "he believes himself to be and acts as if he were under her tutelage."[13]

Like many adolescents on an involuntary route into monastic life, Aimée voiced her objections freely to social inferiors. A neighbor's servant, Dorothée Chevassu, to whom she confided her troubles, recalled having encouraged the young woman to pretend to proceed toward the convent for

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8. Translated examination of witnesses, 6 (testimony of Benigne d'Arch). Benigne, age eighty-two, alleged that old age prevented her from signing the transcript. According to Aimée's married sister, the mission (conducted by religious of what order she did not say) was to end on 8 September. Ibid., 11 (testimony of Anne-Alexandrine Caissel Dubon, Gray, 22 January 1700).

9. Ibid., 26 (testimony of Sabine Caissel, Gray, 22 January 1700).

10. Ibid., 10 (testimony of Anne-Alexandrine Caissel Dubon, Gray, 22 January 1700).

11. Ibid.

12. Ibid., 34–35 (testimony of Thérèse-Augustine de Jésus [in the world, Marguerite-Thérèse Caissel], Gray, 22 January 1710).

13. Ibid., 17 (testimony of Claude-François Caissel, Gray, 22 January 1700). Étienne, Aimée's Premonstratensian brother, had died three years before this investigation. Ibid., 6 (testimony of Benigne d'Arch). Since Marie-Thérèse, her Franciscan Tertiary sister, was not interrogated, she too may have died earlier.

her vestition and then slip away in the crowd accompanying her. Aimée expressed her wish to marry and willingness to accept a spouse far below her station: wearing peasant shoes all her life, she said, would be far preferable to entering the convent. Chevassu duly informed her mistress, who had forced one of her daughters to become an Annonciade nun, that she and the widow Caissel would be damned for what they had done.[14] To a servant in her mother's house, Marguerite Villemin, Aimée stated that if she had to become a nun, she did not want to be a Carmelite because they ate no meat and lived in strict enclosure.[15] Villemin had overheard her mistress lament that she had not strangled her youngest daughter in the cradle, and taunt her by saying, "Then you don't want to become a nun, and you want to marry, but you know that you won't as long as I'm alive."[16]

According to Chevassu, Benigne d'Arch's wielding force and fear to propel her daughter into the Carmelite house was "common knowledge" in Gray. No one among Aimée's social equals and only one of her siblings, however, admitted to having been aware of it until the young woman was in the convent. On visiting her there, Claude Perreault, a Hospitaler of Santo Spirito in Sassia and close friend of the Caissel family, learned that she was not a willing novice. He was so shocked, said he, that he did nothing further.[17] Her Carmelite sister, Thérèse-Augustine, alleged that not until after Aimée had vested did she begin to claim that she been thrust into the convent against her will.[18] Because her youngest sister was weeping when she entered, Anne-Alexandrine suspected that she was averse to becoming a nun. Aimée's illness during her novitiate strengthened this sister's conviction that she was not suited to monastic life. Although Anne-Alexandrine insisted to the nuns that Aimée "would be a good Christian in the world and a bad nun in the cloister," she failed to persuade them to reject her.[19] When she and her siblings went to visit Aimée during her probationary period, they were unable to ascertain the depth of her aversion because the presence of other nuns in the parlor prevented her from speaking freely.[20]

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14. Ibid., 20–21 (testimony of Dorothée Chevassu, Gray, 22 January 1700).

15. Although the word "Discalced" occurs nowhere in the cause papers, these restrictions, along with the fact that most nuns were named Thérèse, suggests that the Gray convent was a Discalced house. I thank Alison Weber for her advice on this issue.

16. Translated examination of witnesses, 22–23 (testimony of Marguerite Villemin, Gray, 22 January 1700).

17. Ibid., 25 (testimony of Claude Perreault, Gray, 22 January 1700).

18. Ibid., 35 (testimony of Thérèse-Augustine de Jésus, Gray, 22 January 1700).

19. Ibid., 11–14 (testimony of Anne-Alexandrine Caissel Dubon).

20. Ibid., 11–12, 18–19, 28 (testimony of Anne-Alexandrine, Claude-François, and Sabine Caissel, Gray, 22 January 1700).

Despite the troubles she had experienced during her novitiate, the nuns voted 11–3 to admit Aimée Caissel to profession. On 14 September 1683 she took her vows under the name Marie-Aimée.[21] During the following decade, she often expressed her unhappiness, usually in less than explicit ways. After telling the convent's confessor, Daniel Drovaillet, that she was unable to live up to the Carmelites' "great perfection," she posed what she characterized as a hypothetical question: "whether, if a religious pronounced her vows with her mouth without having the interior intention and will to do so, she was bound to these vows." When Drovaillet asked if she were referring to herself, she laughed and evaded the question.[22] After hearing that a Parisian lady was planning to establish a Carmelite convent in New France, she told an older nun "that she would like to go there, in a frame of mind similar to that of a soul leaving purgatory to go into paradise."[23] According to her former novice mistress, Anne-Thérèse de Saint-Joseph, during the first five years after profession Aimée "had something to say that she wouldn't reveal" unless she could talk with a learned visitor. Once, however, when her guard was down, she shocked Soeur Anne-Thérèse by asserting that she would surely be damned.[24]

In May 1694 Aimée Caissel finally bared her soul to a man knowledgeable about canon law: the Abbé de Tessut, who came to conduct the first official visitation of the convent since her entry. Only then did she learn that diocesan proceedings for release from monastic life had to be initiated within five years after profession, a term that in her case had expired six years earlier.[25] Tessut ordered that she be permitted to talk with her brother, a directive the nuns opposed because "it wasn't appropriate that what is done within the convent be known outside it." Nonetheless, she was able to reveal everything to Claude-François, who claimed to have been "astonished." One night in October 1694, she fled from the convent, believing—perhaps on the strength of assurances from her brother—that from outside, she could appeal for release. She was badly mistaken: petitions to Rome for annulment of vows more than five years after profession could be filed only by religious wearing

21. Ibid., 30–32, 33–34 (testimony of Prioress Marie-Thérèse de Jésus [in the world, Marie-Françoise Dubant], Gray, 24 and 26 January 1720). According to the prioress, in 1694 Aimée managed to get her hands on the instrument of profession, which she burned.

22. Ibid., 37–38 (testimony of Daniel Drovaillet, Gray, 27 January 1700).

23. Ibid., 39 (testimony of Sister Ignace de Jésus [in the world, Jeanne Badeau], Gray, 27 January 1700).

24. Ibid., 36–37 (testimony of Sister Anne-Thérèse de Saint-Joseph [in the world, Anne-Françoise Joly], Gray, 26 January 1700).

25. Ibid., 46 (testimony of Aimée Caissel, Besançon, 1 February 1700).

their habits and residing either in their own convents or monasteries or in other houses designated by their ordinaries and approved by the SCC.

In spite of the urging of Aimée's siblings Claude-François and Sabine, the nuns of Gray refused to take her back.[26] Sometime between March 1697 and June 1698, Archbishop François-Joseph de Grammont resolved the dilemma by arranging for Caissel to be housed in the Carmelite convent of Besançon.[27] Eventually, at her urging, he commissioned a Carmelite friar, André de Saint-Nicolas, to gather information about her situation. With a secretary, his confrere Rémy de Saint-Nicolas, the investigator set out for Gray on 19 January 1700. After hearing witnesses there, the two friars returned to Besançon, where in early February Aimée Caissel was interrogated twice. Now aware of the importance of the five-year rule, she insisted that although she had tried repeatedly to file a protest within five years after her profession, confessor Drovaillet had dissuaded her from doing so.[28] Eighteen months later, the transcript of the investigation—translated into Italian and probably buttressed by a favorable recommendation from Archbishop Grammont that does not survive in the cause papers—was taken under consideration by the SCC.[29] On 9 July 1701 the cardinals voted to release Caissel from her vows.[30]

How central were "these wretched times of war" to the case of Aimée Caissel? In reality, not very! Troops may well have been stationed in or near Gray, but in the summer of 1682 no war was in progress in the area. Benigne d'Arch's claim that the need to safeguard her daughter's virginity from libidinous soldiers led her to force her into the convent appears to have been no more than a cover for more important motives. It is evident that she strongly desired to dictate her youngest daughter's future in religion, just as she had managed to do previously with all but one of Aimée's elder siblings, and to save the expense of a marital dowry.[31] Significantly, she did not mention

26. Ibid., 19, 29 (testimony of Claude-François and Sabine Caissel).

27. Ibid. 32–33 (testimony of Prioress Marie-Thérèse de Jésus); LD 47: 85v-86r, 111r (2 and 23 March 1697: orders that she put her habit back on and return to the convent); LD 48: 251r (7 June 1698: now that, with the archbishop's and her original convent's permission, she is in another religious house, the collection of evidence may proceed).

28. Translated examination of witnesses, 45–48 (testimony of Aimée Caissel, Besançon, 1 and 3 February 1700).

29. Two years before, on 28 March 1699, the SCC had ordered Archbishop Grammont to reexamine witnesses and proceed against Benigne d'Arch. PRP 13, LD 49: 131v, Pall 492–93. On the basis of what documentation they made this earlier decision and what its consequences were are unclear.

30. PRP 14; LD 51: 372r, 375v; Pos. 220, Pall 492–43.

31. In the instrument of agreement with the convent signed on 21 July 1682, she promised to pay a monastic dowry of 2,000 *livres* (part apparently in cash, part in real property, and part in gifts

soldiers as a threat to the harvest of wine grapes.[32] Rather than consigning Aimée permanently to the convent, she could have employed a much less drastic solution: sending her to stay temporarily with Anne-Alexandrine, her married sister. More than likely, "in these wretched times of war" was merely a catchphrase left over from earlier armed conflict in Franche-Comté. Combined with a powerful topos, the unprotected virgin at sexual risk, it must have struck Benigne as tailor-made for her purpose. Whether this transparently disingenuous pretext about war bore any weight in the legal proceedings for Caissel's release cannot be determined. If she engaged lawyers, none of their representations appears in the cause papers; the SCC's sentence is not motivated. What probably carried the day for Aimée Caissel was evidence and arguments bearing directly on the fact that she was an unwilling nun compelled by her mother to become one.

Parish Registers Burned in the War: Marguerite-Eugénie Beauregard

Next to professions compelled by force and fear, premature professions headed the list of grounds alleged by petitioners for release from monastic vows. Frequently, they gave both reasons. Only a properly notarized copy of an entry in a birth register, procured from a parish church or already on file in a petitioner's religious house, could conclusively establish a date of baptism, which usually included reference to the day of the child's birth a short time before. To elders intent on placing adolescents in religious life earlier than the decrees of the Council of Trent allowed, as we saw in chapter 4, numerous opportunities for fraud presented themselves: for instance, passing off the baptismal record of a child who had died in infancy as that of a younger sibling who bore the same name, or gaining access to and altering parish registers. Very frequently, only after years in the monastery or convent did the religious in question discover that fraud—or less likely, a careless mistake—had facilitated his or her premature profession.

But what if no baptismal record survived? This problem arose in the case of Marguerite-Eugénie Beauregard of Chambéry in the diocese of Grenoble, whom we have met briefly at earlier points. In 1769 she and her younger sister Anne-Marie (in religion, Christine and Victoire) petitioned

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of textiles). Pos. 220, unfoliated (instrument presented to friar André de Saint-Nicolas by the notary Bonaventure Joy, Gray, 25 January 1700.)

32. Mary McKinley kindly drew my attention to François Rabelais' *Gargantua,* chapter 27, in which Frère Jean, more concerned about "le service du vin" than "le service divin," saves his monastery's vineyard from enemy soldiers.

jointly for release from their vows. They alleged that by employing threats and physical violence, their father, Antoine, had compelled them to enter, vest, and profess in the Benedictine convent of the Annonciade. Marguerite-Eugénie put forward a second ground for release: when she took her vows on 17 July 1753, she alleged, she was four months and eight days short of her sixteenth birthday. From the very beginning of her monastic career, her knowledge that she had been baptized on 25 November 1739 and had professed prematurely reinforced her conviction that her vows were not binding and she was therefore not a real nun. Eventually, she was certain, she would be able to get out of the Annonciade and return to secular life.[33]

In a court of law, of course, a plaintiff's assertion about his or her date of baptism did not suffice; written evidence was needed. As everyone in Chambéry knew, records of Saint-Baldoph, the parish church in which Marguerite-Eugénie had been baptized, existed only for the previous few decades. Charles Vesseillet, the current curé, confirmed that during the second passage of Spanish troops through the town in late December 1742, the parish registers had been put to the torch. He and his predecessor, he added, had been required to attest to various people's dates of baptism.[34] Clearly, Marguerite-Eugénie's predated his tenure, and only one person could attest to the date: her father, Antoine Beauregard. He also furnished details about how bad weather had prevented the designated godparents from attending the ceremony of his daughter's baptism and necessitated finding others (including his mother) to take their places.[35]

In a brief submitted to the SCC on 14 February 1771, Pietro Giacchi, the *defensor professionis,* objected strongly to the evidence offered on Marguerite-Eugénie's date of baptism. He noted that it came firsthand from only one interested party, her father; others who testified on this subject had heard the date from him. That the nuns, the bishop of Grenoble, and the vicar general of Savoy would have allowed an underage woman to profess seemed most unlikely.[36] Vigorous and cogent as Giacchi's argument appeared, it had no effect. Almost two months earlier, on 15 December 1770, the SCC had voted favorably on the Beauregard sisters' petition. When, as they were now required to do, the cardinals revisited their decision on 23 February 1771, they reaffirmed their decree of *restitutio in integrum* and instructed the bishop

33. Pos. 1153 (23 February 1771), Gratianopolitan., Beauregard, *Summarium* ([Rome]: Bernabò, [4 August] 1770), no. 33, C3v (undated extract from testimony of Marguerite-Eugénie Beauregard).

34. Ibid., no. 34, C4v (undated extract from testimony of Charles q. Gaspard Vesseillet).

35. Ibid., no. 5, A5v-6r (undated extract from testimony of Antoine Beauregard).

36. Pos. 1153, *Animadversiones Facti & Juris* ([Rome]: Bernabò, [14 February] 1771), A2v.

of Grenoble to proceed with the granting of *nullitas professionis.* In the case of Marguerite-Eugénie, then, the destruction of records in war more than three decades earlier caused only minor, temporary inconvenience.

Rumors of War in Savoy: Martin Monticelli

In 1694, forced by his father, Martin Monticelli professed as a Benedictine monk of the Cassinese Congregation in his hometown, Annecy (from 1535 on, seat of the bishop of Geneva). Eight months later, he shed his habit, fled the monastery, and wandered around Italy. In 1707, after his father's death, he went to Rome, resumed wearing his habit, went into the monastery of San Paolo fuori le Mura, and petitioned the pope for *restitutio in integrum.* When Clement XI passed the case to the SCC, he recommended that the petitioner's request to have witnesses examined in Rome be granted. Having taken into consideration the witnesses' testimony, the abbot of Annecy's support of the petition, and a letter from the bishop of Geneva deferring to the abbot and adding that Martin's brother confirmed the father's exertion of force and fear, on 3 March 1708 the SCC issued a decree granting Monticelli *restitutio in integrum.*[37]

Under ordinary circumstances, issuing the complementary ruling of *nullitas professionis* would have been up to the bishop in Annecy. The petitioner's procurator, Amadori, immediately pointed out that the imminent threat of war in Savoy made that impossible. Witnesses could not be expected to travel to Annecy; Monticelli had no money to go home; there was no one there to handle his case, and no possibility of compensating anyone who might do so. Thus far in Rome, he had been defended gratis by the "procurator of the poor," who had paid the notary, copyist, and printer—expenses that Amadori was willing to assume if the case could be brought to a close in Rome. In its very next meeting, on 17 March, the SCC ordered the vicar of Rome to issue the decree of *nullitas professionis.*[38]

"Enter the monastery or I'll sell you to the war": Twelve Examples

In western Europe between 1668 and 1793, military forces composed entirely of volunteer and conscripted subjects/citizens still lay in the future.

37. PRP 21; LD 58: 75v-76r; *DSCC,* 777–78.

38. LD 58: 108rv; Pos. 310 (17 March 1708), Romana seu Gebennen., Monticelli, manuscript submission by Amadori (n.d. but between 3 and 17 March); Pall 496. Advocate Amadori's first name is not given. His discussion of publication costs indicates that printed materials supporting Monticelli's case, of which there is no sign in Pos. 310, had been furnished to the SCC.

Most armies were led by career officers from the higher classes, by no means necessarily from the state for which they were fighting. Prince Eugène of Savoy (1663–1736), who spent his adult life as a general in the service of the Holy Roman Empire, provides a prime example. Elders in elite families saw a military career as an honorable placement for male offspring (particularly, but not only, younger sons) who showed some inclination for it—provided that they were willing to remain single and refrain from complicating the passing on of the patrimony to a single heir.[39] Filling the ranks was an entirely different matter, for service as a common soldier was hardly an honorable or desirable calling; indeed, it was "odious to all but the least fortunate members of society."[40] To attract fighters, recruiters offered bounties either to them or to the intermediaries who made them available—a system illustrated with particular clarity in the case of Filippo Onofrio Marcucci.

Born around 1699 in Fabriano, a small city in the Marche, Marcucci lost his father, Giovanni Battista Antonio, when he was thirteen. His mother, Francesca, and his paternal uncle, Nicodemo Marcucci, immediately sent him to Recanati, where the Observant Franciscans were accepting applications for admission to the novitiate, so that he could put his name on the list. Why they made this decision the cause papers do not explicitly reveal, but we can venture a safe guess. Filippo Onofrio had only one sibling, an older sister who had already married. His late father had owned some land, to which the young man was the sole heir. It was obviously in his uncle's, sister's, and brother-in-law's interest to nudge him out of the way. Everyone knew that men and women entering religious life had to renounce all claims to their inheritance.

His application having been approved, Filippo Onofrio went home to await a letter summoning him to take the habit. In the meantime, since he declined to go to school, he was put to work knitting stockings. When about two years had passed and he was old enough to vest, the letter arrived. The youth then informed his relatives that he did not want to become a friar. After beating him, his mother cut off food and all other support; if he wanted to eat, said she, he could earn his bread in the monastery. Her withdrawal of sustenance did not suffice to propel Filippo Onofrio into religious life. After consulting his niece's husband, Uncle Nicodemo presented him with two alternatives: "I resolutely insisted that he become a religious, or else I'd send him away to Ferrara to become a soldier, and in very short order he'd die somewhere." Nicodemo specified that, if necessary, he would execute the

39. Ago, 301–6.
40. Gudmundsson, 101; see also Wilson, 76–77.

second plan personally, making no effort to conceal the fact that he would profit from it. He would take the youth either to the fair at Senigallia, where he would sell him to an army recruiter, or to Ancona, where he would sell him to "the Venetian," that is, into service in the Venetian fleet.

Faced with two equally undesirable options, the second of which his uncle billed as almost inevitably fatal, Filippo Onofrio reluctantly donned the Observant Franciscan habit. Perhaps out of affection for his cousin Patrignano (Nicodemo's son), who later testified in his behalf, he assumed the monastic name Patrignano da Fabriano. In due course he professed; eventually, like most friars, he took priestly orders. On 2 February 1733, Nicodemo made a notarized declaration designed to lift a scruple of conscience: he had indeed forced his nephew into religion. This admission, designed to put himself right with God, came none too soon, for later that year he died at the Senigallia fair.

For reasons unknown, Filippo Onofrio unwisely postponed seeking release. At some point after his petition was received in Rome on 18 June 1735, the SCC ordered the bishop of Camerino to conduct an investigation, the record of which does not survive in the cause papers. In 1736 the petitioner's attorney, Giuseppe Pediconi, drew up two printed submissions addressed, as was customary, to the SCC's secretary: a summary of the evidence in favor of his client and a legal brief supporting his release. The former included a letter from the petitioner's current monastic superior, Giovanni Antonio da Savona, guardian of the house at San Genesio, stating that he had no objection to the friar's release; a deposition from Patrignano Marcucci explaining how and by whom his cousin had been forced into religion; and a guarantee from one Giuseppe Liverani that if the petitioner were released, he would obtain his inheritance. That did not happen: on 4 August 1736 the SCC rejected Filippo Onofrio Marcucci's petition and forbade his appealing again.[41]

Only in certain respects—the fact that he was an only son bereft of a father, the possibility of either the army or the navy, and the fact that his petition was rejected—is Marcucci's situation in the least unusual. Several other features appear over and over again in similar cases. The locution "Go into the monastery or I'll sell you to the war" occurs frequently. Someone making such a threat was of course wagering that the adolescent would opt for the monastery and make no further call on family resources. If the object of his attentions went into the military, however, the forcer's bet was covered, both by the bounty he would collect from the recruiter and by the likelihood that

41. Pos. 628 (4 August 1736), Camerinen. et Fabrianen., Marcucci.

the cannon fodder he had sold would never return. Furthermore, and not surprisingly, a strong correlation exists between the making of this threat and a war in progress. In Marcucci's case, there were two: on land, the War of the Spanish Succession; at sea, one of the conflicts, so frequent that almost none of them had names, between the Republic of Venice (with or without allies) and the Ottoman Empire.

The Second War of Devolution put teeth into four such threats. Three cases with minimal documentation can be quickly summarized. In 1684 in the diocese of Turin, Ludovico Cerro's use of the either/or ultimatum frightened his son Giovanni Battista into becoming an Observant Franciscan under the name Ludovico da Messerano. The SCC approved his release in 1697.[42] The father and teachers of Antoine Esparvier of Arles employed the same threat to make him profess as a Dominican around 1686. Five years later he transferred to the Cluniac order, from which he walked away. His first petition, submitted in 1695, was rejected in 1700. When he pressed for reconsideration, he gained release in February 1701.[43] The case of Louis Rassan of Bayeux contains somewhat more detail. His widowed mother, Madeleine Blin, threw him out of the house and planned to make him a soldier, hoping (or so his lawyer later alleged) that he would be injured or killed in battle. When the parish priest intervened, she propelled him instead into the Observant Franciscan Order, in which he professed in 1684. During the next decade, pressure from his mother and elder brother prevented his petitioning the bishop and local superior for release. Early in 1694, after the two forcers had died, his sisters testified in support of his appeal to Rome. In January 1700 the SCC voted in favor of his release.[44]

The most fully documented case in this period features Siro Ottavio Sacchi. The well-known and affluent painter Carlo Sacchi of Pavia had three children with his first wife, Caterina. In 1671, shortly after her death, he married Benedetta Crotti, a widow with two children. Through her influence, his affection for his own offspring quickly cooled. He and their stepmother beat them and kept them on short rations. After Benedetta threatened that if he did not get them out of the house, she would leave him, Carlo told Siro Ottavio, the eldest, that he must either become a Carmelite friar or go into the military. Siro Ottavio's counterproposal, that he leave town and become a secular priest, was unacceptable: that would have exempted him from signing a renunciation of his inheritance and required his father to furnish sufficient funds to support

42. LD 47: 39r–40r, 59r–v.
43. Pos. 215 (19 February 1701), Aquen. seu Arelaten., Esparvier.
44. Pos. 202 (16 January 1700), Baiocen., Rassan.

him at least until he found a benefice. Therefore, Carlo Sacchi took his son to Cremona and compelled him to enter the Carmelite house under the name Giovanni Angelo. There, weeping and protesting, he professed in 1673. So as to keep an eye on him, Carlo immediately arranged for his reassignment to the Pavia house. Siro Ottavio's brother, Giovanni Battista, fled to Milan, joined a cavalry regiment, and died a few years later. The youngest child, Teresa, was forced to become a nun. After lengthy proceedings beginning in 1700, Siro Ottavio Sacchi was finally released by the SCC in November 1713.[45]

During the War of the League of Augsburg, also known as the Nine Years' War, three adolescent males faced the alternative of the monastery or the battlefield. Born in Milan in 1674, Giovanni Lorenzo Maria Ferrari was one of six siblings, three brothers (of whom he was not the youngest) and three sisters. When he was about thirteen, his father, Carlo Stefano, began to condition him for a future career in religion—unless, of course, he preferred to enter the military. In December 1689 he vested under the name Giovanni Maria in the Clerks Regular Ministers to the Sick (Camillans), professing a year later. Around 1697 his father agreed to his filing for release from his vows. The only recorded action of the SCC in this case, an order to the archbishop of Milan in February 1700 to proceed against his father, suggests that Ferrari's petition for release may have been granted.[46]

In 1694, through mistreatment and the threat of enrollment in the military employed by his father, elder brother, and maternal uncle, Giovanni Domenico Penna (Giovanni Battista da Marigliano) was compelled to become an Observant Franciscan in Naples. Eleven years later, in June 1715, the SCC turned down his petition; in August he was prohibited from appealing against the decision.[47]

Agostino Giordano, a Neapolitan, had better luck before the SCC. In the early 1690s, his father, Giuseppe, decided that Agostino should join his paternal uncle, Nicola, in the hospital order of San Giovanni di Dio. The boy's mother opposed the plan, but her husband paid no heed to her opinion. Despite frequent beatings by his father, by all accounts a violent man, Agostino refused to present himself regularly for required training sessions at the hospital of Santa Maria della Pace. Testifying ten years later, several witnesses recalled a card game held in the Giordano house during the Dominicans' Rosary procession on 4 October 1693. Giuseppe told his son that the time

45. Pos. 359 (27 August 1712), Cremen. seu Papien., Sacchi; Pos. 373 (18 November 1713), Cremen. seu Papien., Sacchi.

46. Pos. 203 (6 February 1700), Mediolanen., Ferrari.

47. Pos. 389 (1 June 1715), Neapolitan., Penna; PRP 28 (24 August 1715).

had come for him to become a religious; if he refused to do so, thus throwing down the drain the money spent on his education, he would find himself in the army or in prison. Giuseppe Giordano's friends, his brother Nicola, and his son Antonio seconded these urgent recommendations. Bowing to the pressure, Agostino professed under the name Lorenzo, but in May 1696 (within five years) he filed a petition for release in the archiepiscopal curia. What happened at that time the record does not reveal, but sometime before February 1706 he appealed to Rome. On 12 April 1710 the SCC voted in favor of his release.[48]

In the first fifteen years of the eighteenth century, as we have seen, the War of the Spanish Succession and yet another Venetian-Turkish naval conflict gave Filippo Onofrio Marcucci's uncle two possibilities for selling him to the war if he refused to enter the monastery. The plight of the Neapolitan Andrea Russo was somewhat different. Early in 1708, this young student was accused of raping and impregnating Andreana, a servant in his family's household. Though he denied the charge, his father, Stefano, flew into a rage, beat him, and shouted, "Get out of my house and go make yourself a monk or enroll in the war."[49] During a month spent in refuge with a friendly priest, Andrea decided that he must perforce become a Conventual Franciscan friar. After making a notarized statement that he was not taking this step of his own free will, he vested in June 1708 in the monastery of San Lorenzo Maggiore, taking the name Lorenzo. While a novice, he assured friends that he had no intention of professing. To make sure that he did, his father reiterated the threat of enrolling him in the war; he took his vows in June 1709. In September 1713, on his deathbed, Stefano Russo repented of what he had done and instructed Gennaro, his eldest son, to supply the money Andrea needed to make an appeal on the diocesan level. Telling his younger brother that he would rather murder him or send him into the woods than help him get out of the monastery, Gennaro dragged his heels until the five-year window of opportunity had closed. According to witnesses, Gennaro too had a last-minute change of heart, but he died suddenly in October 1714 before a notary could take down a testament leaving Andrea half of his estate. Despite what appears to the modern eye to be strong evidence in favor of Andrea, his position to regain "his pristine liberty" was rejected by the SCC in November 1716.[50]

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48. Pos. 331 (12 April 1710), Neapolitan., Giordano; LD 60: 153v.

49. Pos. 405 (28 November 1716), Neapolitan., Russo; *Summarium* by Giovanni Angelo Saburi ([Rome]: De Comitibus, 1716), A3v.

50. Ibid., A1v; LD 66: 509v-10v.

In the 1720s and early 1730s, even though no war was in progress, two adolescents were nonetheless confronted with the threat of monachization or militarization. With the help of her elder son, Stefano, the widowed mother of Giuseppe Antonio Floriani posed this dire alternative in order to push him into Santa Maria della Pace in Naples—the same house of the order of San Giovanni di Dio from which Agostino Giordano had been able to exit in 1710. During his novitiate, which began in November 1725, Giuseppe Antonio (now known as Floriano) acted out his aversion by behaving as badly as possible: he disobeyed the rules, assaulted another novice, was expelled and then at his relatives' insistence readmitted, and spent nights outside the monastery. In two inaccurately represented votes (both 12–7 against, recorded as 12–7 in favor), he was admitted to profession a year later at the unusually advanced age of twenty-five. In 1732, after his mother had died, he petitioned the pope for release. The proceedings, complicated by an allegation in 1749 that he had signed the register for Masses he had not in fact said, dragged on for twenty years. In 1750 and again in 1752, the SCC rejected his petition.[51]

Around 1729 Sebastiano Chiabrand of Pinerolo, supported by his wife, told Gaspare—probably the firstborn of their four sons—to forget about his promise to marry Caterina Maria Camusso and the expectation of inheriting his uncle's goods. If he chose not to follow his father's dictate to enter the Dominican order, he could become a shoemaker, a hairdresser, or a soldier; the occupation of tailor, Sebastiano sarcastically specified, was too noble for him.[52] In 1730 Gaspare (now known as Domenico) duly professed in the Dominican monastery of Chieri. A year later, he petitioned his ordinary and monastic superior for release; due to the opposition of his favored brothers, Antonio and Sebastiano, he was turned down. He then appealed to Rome, and on 4 August 1736 the SCC decided the case in his favor.[53]

During the War of the Polish Succession, another such case arose in the southern Italian diocese of Manfredonia. From the point of view of his socially prominent father, Domenico, and his maternal aunt, Solimena Spirito, Carlo De Luca of Serracapriola, the third of five brothers, was a bad apple.[54] Beating him, making him dress in rags, and kicking him out

51. Pos. 846 (2 December 1752), Neapolitan., Floriani.

52. This remark was reported by the Chiabrand family's tailor, Georg Siera of Prague, interrogated in the archiepiscopal curia on 23 March 1733. Pos. 628 (4 August 1736), Taurinen., Chabriand, *Restrictus Facti & Iuris* by Cesare Pieretti and Giuseppe Candido Bello ([Rome]: Mainardi, 1736), E2v.

53. LD 86: 283v–84r.

54. Testifying in November 1746, Stanislao da Serracapriola, a schoolmate and confrere, agreed: "I know that he's always been a lad with few good inclinations, so much so that gambling was his

of the house brought about no change in his behavior. The only way to avoid Carlo's bringing shame on the family, they decided, was to enroll him in the army or make him a Capuchin friar. His protest that he could not stand the austere life in that order but would willingly become a Jesuit, Discalced Carmelite, or lay beggar was brushed aside—no doubt because his family had close connections to the Capuchins. Against his will, he betook himself in September 1737 to the monastery of San Giovanni Rotondo, rendered famous two centuries later as the headquarters of Padre (now Saint) Pio da Pietrelcina. During his novitiate, De Luca left the monastery many times without permission and asked frequently that his secular clothes be returned to him so that he could shed the habit and depart forever. At his aunt Solimena's insistence, the friars denied his request. As the time for his profession approached, the Capuchin provincial, Andrea da Serracapriola, under Domenico's and Solimena's influence, sent some friars away to other houses and brought in new ones so as to insure a favorable vote. Under the name Giacinto da Serracapriola, Carlo professed in October 1738. In 1746 he appealed to the pope, and less than a year later the SCC released him from his vows.[55]

Carlo De Luca's case is the last in this series. Hostilities in the Seven Years' War apparently prompted no threats of life as a soldier if an adolescent male refused to enter the monastery. That the either/or alternative had lost its potency seems dubious. Perhaps a slump in forced as well as voluntary monachizations—if indeed it occurred (see chapter 9)—and a corresponding decline in petitions for release on the grounds of force and fear (see chart 3 in chapter 4) made its employment increasingly less necessary than it had once been.

Too Small to Join the Army: Pierre Olivier, Giuseppe Felice Cavalli

Faced with the alternative of monachization or the military, at least two adolescents had no choice at all, for both they and their parents realized that they were physically unsuited to becoming soldiers. The first case, involving Pierre Olivier of Pignans in the diocese of Aix-en-Provence, was considered by the SCC between February 1693 and July 1698. Pierre, one of Joseph Olivier and Marguerite Boyer's several sons, had a sharp, lively mind but a

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blood brother, but he didn't like to apply himself." Pos. 770 (2 September 1747), Sipontin., De Luca, *Summarium* ([Rome]: De Comitibus, 1747), A2v–3r.

55. Pos. 770; LD 97: 353v, 355r.

weak body. Boyer later testified that her husband, "who did not have the same affection for him that he had for his other sons," jumped to the conclusion that he was unfit for any occupation other than becoming a religious. As Pierre's attorney put it, Joseph was offering God his worst fruit. With no financial support from home, Pierre borrowed money to study in Marseille and then in Rome. In order to finance his journey back to Pignans, he promised his father and grandfather that he would become a friar. Shortly thereafter, his father told him that no further delay in his doing so would be tolerated. With great reluctance, on 17 October 1677 he entered the Observant Franciscan house in Pignans, taking the monastic name André, and professed a year later.[56]

Two confreres testified that Olivier "regarded the monastery only as a refuge from his father's persecution and was awaiting his father's death so that he could get out."[57] Unfortunately for him, he seems never to have put his protest in writing. In 1683, when he took off his habit and went to Rome to appeal, he was told that he had to approach his archbishop and local superior. Since his father was still alive, he told the commissioner general of the order, he could not do so; he was absolved and assigned to the Observant Franciscan house in Turin.[58] Olivier had to wait until November 1691 for his father's demise. Eighteen months later, he appealed to the pope, who sent the case to the SCC. On 8 May 1694 that body ruled against him. His request for a new audience was granted, and the archbishop of Aix was ordered to conduct an investigation. New evidence in Olivier's favor did not avail: twice, on 14 January 1696 and again on 19 July 1698, the SCC ruled that the previous negative decision stood and that no further appeals from the petitioner would be considered.[59]

Some four decades later, Giuseppe Felice Cavalli of Asti had a briefer and more positive experience before the SCC. In 1721, under the monastic name Cherubino del Santissimo Sacramento, he entered the Discalced Carmelite

56. Pos. 185 (19 July 1698), Aquen., Olivier, manuscript Summarium, n.d., unfoliated, introduction by Francesco Maria Panari; undated testimony of Pierre Bormè, Marguerite Boyer, Antoine Olivier (Pierre's brother), Anne Chaffaud, and friars from the Pignans house.

57. Ibid., undated testimony of the Conventual Franciscan Frère Jean-Antoine Burel; manuscript Summarium prepared by Jacopo Della Croce (n.d., shortly after 14 January 1696): unpaginated, undated testimony of the Observant Franciscan Frère Denis Beautis.

58. Ibid.

59. Manuscript Memoriale responsive cum Summario and manuscript Facti, n.d., unfoliated; PRP 12; LD 46: 2v (19 January 1696). A decision of the Rota enabled him to approach the SCC again. Loose sheet, Rota decision, n.d. (probably late summer 1696). His petition was rejected again on 19 July 1698. LD 48: 337r.

house in his native city through force and fear wielded by his choleric and violent father, the physician Giovanni Battista Cavalli. Shortly before going into the monastery, he explained his desperate situation in a letter to Pietro Giuseppe Bersano, his sympathetic maternal uncle. Having returned from school in Turin, he had gone one day to a tavern to wish his father a safe trip to Rivararola Canavese. Giovanni Battista retorted "that I'd have done better to depart myself and enter some religious order, for otherwise sooner or later he would break my head. When he saw that I wasn't going to answer, flying into a rage and shouting 'What can you say?' he delivered a blow that threw me to the ground. Rather than living at risk of dying at the hands of such a cruel father, I'm going to become a religious wherever I can, because in no other way can I escape from the house until he dies."[60]

On 21 February 1722, the day of his profession, Cavalli wrote again to his uncle. "Curses on the one who has obligated me to this life," his letter began. In order to avoid returning home, he had pretended to embrace the prospect of becoming a Carmelite so that the friars would vote in favor of his professing. Having briefly pondered the possibility of becoming a soldier, he had realized that enrolling would necessitate his returning home; more important, the army would never accept a recruit as short in stature as he. Since "eventually my father will die, and then I want to return home to enjoy my share," he had refused to renounce his inheritance. The friars had given him an advance copy of the formula of profession: "I swear, etc., *until death*." He would pronounce those words, he wrote his uncle, but in his heart he would alter the final ones to "'*until my father's death,*' without obligating myself to either vows or rules."[61] Without question, these letters, especially the second one, played a decisive role in the positive resolution of Cavalli's case. As suggested earlier, written evidence set down at the time carried more weight with the SCC than the recollections of principals and witnesses furnished during interrogations many years later. Testimony in Cavalli's favor from his mother, uncle, and brother and a supportive letter from the bishop of Asti buttressed the unambiguous statement about force, fear, and resistance presented in the letters of 1721–22.[62] On 14 March 1739 the SCC voted to release Giuseppe Felice Cavalli from his vows.[63]

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60. *ThR* 9: 23.

61. Pos. 658 (14 March 1739), Asten., Cavalli, *Summarium* ([Rome]: Mainardi, 1738), A1rv; *ThR* 9: 23–25 (italicized words capitalized in the original).

62. Pos. 658, *Summarium,* A1v-2r, 6r-v. Cavalli's appeal was filed at some point between the death of his father on 13 June 1736 and 15 September 1737, when the bishop of Asti replied to an inquiry from the SCC. Ibid., A2r; PRP 51.

63. PRP 52, LD 89: 73v, Pos. 658, *ThR* 9: 34, Pall 501.

A Thwarted Preference for the Army: Michele Antonio Amistà

As we have seen, most adolescent males confronted with the alternative of entering the monastery or going into the army opted for the former. This, of course, was precisely what those exerting force and fear hoped they would do: it seemed a surer way of eliminating the young men from the inheritance stream than gambling on their death in battle. Protracted proceedings in the case of Michele Antonio Amistà of Mondovì, considered by the SCC off and on between 1732 and 1753, reveal a different preference. On the early death of their father, the physician Giovanni Battista, Michele Antonio, an older and a younger brother, and a sister became wards of their paternal uncle, a priest and lawyer also named Michele Antonio.[64] Although he allowed his niece, Caterina, to marry,[65] Michele Antonio Senior expressed nothing but hostility toward his nephews, especially his namesake. Described by all witnesses as quick-tempered and brutal, he dressed them in rags and made them work in the field, both of which were entirely inappropriate to their social station.[66]

Michele Antonio did his utmost to resist his uncle's plan of making him a friar. First, perhaps inspired by family tradition (one of his grandfathers, Vincenzo, had been a captain in the artillery), he tried to run away from Mondovì and sell himself to the war, but he failed to get away.[67] Then he and his younger brother Paolo offered to become secular priests, but their uncle flatly refused to furnish the patrimony required for them to do so.[68] In 1729, after severe beatings and death threats, Michele Antonio was forced to vest in Santissima Maria Madre Nostra, the Conventual Franciscan house in his native city, under the name Angelo Ludovico. Conniving with his uncle, the novice master frustrated his attempts to flee the monastery. One year later, they compelled him to profess.[69]

In 1732 Michele Antonio Amistà appealed to Rome. Since only two years had passed since he had taken his vows, the SCC remanded the case to

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64. Pos. 865 (17 November 1753), Montis Regalis, Amistà, *Memoriale cum summario* ([Rome]: Bernabò, 1753), A1v (introduction by Giovanni Maria Novelli).

65. *Summarium* ([Rome]: Bernabò, 1753), A4v-5r (deposition by Caterina Amistà, widow of Giuseppe Antonio Fontana, 4 June 1745).

66. Ibid., A1v-2r, A2r-v, A4r-v (testimony of Paolo Amistà and Pietro Beotto, n.d.; deposition of Stefano Barattero, n.d.).

67. *Memoriale cum summario,* A1v; *Summarium,* A2v-3r (testimony of Domenica Maria Pecolli, n.d.); *ThR* 22: 61.

68. Ibid., A1v-2r (testimony of Paolo Amistà, n.d.).

69. *Memoriale cum summario,* A1v; *ThR* 22: 61–62.

his ordinary and local superior.[70] Eleven years later, however, his case came again before the SCC, which ordered the bishop of Mondovì to submit the results of his investigation.[71] Impeded by illness,[72] the petitioner was unable to pursue his appeal until another decade had passed. Beginning on 12 May 1753, the SCC considered the transcript of the investigation conducted in the early 1740s and two printed submission recently made by his attorney.[73] On 17 November the cardinals ruled against him.[74]

From the Monastery to the War: Joseph Gabrieu, Joseph-Xavier Petremand, Claude-Joseph Courtot

To some young men thrust unwillingly into monastic life and who found themselves unable to petition for release (usually because those who had forced them were still alive), escaping from the monastery and joining the army appeared to be the only alternative. Such was the course taken by the restless Joseph Gabrieu of Poitiers. Forced into the Augustinian Hermit Order by his father, he professed in 1651. Shortly thereafter, he fled repeatedly, but each time he was apprehended and imprisoned. After a fourth, successful attempt to escape, he enrolled as a soldier and converted to Calvinism. A few months later, he publicly abjured and was absolved, whereupon his mother and brother had him jailed. After fleeing to England, he returned secretly to France. When his mother died in 1662, he petitioned the Holy See for release from his vows. Probably because his relatives filed a countersuit in the Parlement, the petition to the pope was not acted on. Taking the law into his own hands, in 1667 he married and subsequently had children. Ten years later, his relatives procured an edict from the Parlement annulling the marriage, at which point he went to Rome and appealed again to the pope.[75]

Gabrieu's irregular status as a religious who had taken a wife meant that his case fell in the first instance under the jurisdiction of the Inquisition, which soon passed it to the SCC. On 12 August 1679 he was informed that

70. PRP 45; *Memoriale cum summario,* A1v.

71. PRP 66; *Memoriale cum summario,* A1v.

72. Ibid.; *Summarium,* A7r-v (depositions by three physicians attesting to various illnesses, 7 November 1739–2 September 1740).

73. *Memoriale cum summario* and *Summarium*. Along with much undated material, the latter includes dated documents ranging from 1732 to 1753. It may be significant that Bishop Carlo Felice Sammartini and officials of the Conventual Franciscan province, who in 1742 had written to the SCC in support of Amistà's release (*Summarium,* A6r, A6v-7r), apparently did not update their recommendations in 1753. Perhaps the petitioner's attorney failed to request that they do so.

74. PRP 66; LD 103: 412v, 446r; *ThR* 22: 62, 64.

75. PRP 6; LD 30: 377v-79v (5 December 1682).

before his petition could be considered, he must set aside his wife, resume wearing his habit, and return to his monastery in France. He obeyed the first two orders but not the third, remaining in Rome in the monastery of Sant'Agostino. The SCC decided against him on 24 August 1680 and reiterated its negative ruling on 5 December 1682.[76]

Early in the second decade of the eighteenth century, two cases involving scions of the elite and the military came to the SCC from the diocese of Besançon. Around 1700 Denis-Gregoire Petremand, Sieur d'Amandans (a senator and member of the Parlement), and his wife, Étiennette-Françoise Dagay, decided that because their frivolous son Joseph-Xavier was unsuited for either a civilian or a military career, he must become a religious, as better men had done before him.[77] After investigating possibilities in several orders, including the Society of Jesus, the father placed him in Mont-Benoît, a house of Augustinian Canons under the archbishop's jurisdiction.[78] During his novitiate, Joseph-Xavier (now called Jean-François) made a very poor impression: as the prior and canons later put it, he was "indocile, light-minded, disobedient, and lacking in a spirit of vocation." The first vote on admitting him to profession was overwhelmingly negative. On a second ballot, at his parents' urging, the canons accepted him, and he professed on 20 April 1701. Admitting him, his confreres conceded nine years later, had been a great mistake. Three or four years after professing, he had fled and become a soldier. Since, as he himself acknowledged, he was unfit to live under the Augustinian Canons' or any other monastic rule, they were now expelling him.[79]

Joseph-Xavier Petremand made his way to Hungary. There he spent some six years fighting on the side of rebels led by Francis II Rákóczi, who were seeking independence from Habsburg rule. By December 1709, however, the former captain Petremand was back in Besançon, dressed in a monastic habit and living in the Cistercian house. Because he had decided that he would be better off in a different kind of monastic order, first his parents and then he petitioned the SCC for nullification of his profession in the Augustinian Canons and for permission to transfer to a military order—a change that

76. LD 31: 193v (24 August 1680); LD 32: 498v-99r (5 December 1682).

77. Pos. 379 (23 June 1714), Bisuntin., Petremand, *Summarium* ([Rome]: De Comitibus, 1714), A4v-6r (testimony of Joseph-Xavier Petremand, 28 June 1713). Since the record does not mention siblings, it is unclear whether patrimonial considerations influenced the parents' decision.

78. Ibid., A6r-7v (deposition of Denis-Gregoire Petremand, 30 January 1713).

79. Ibid., A1r-v (letter from the prior and canons, 1 June 1710), A4v-6r (testimony of Joseph-Xavier Petremand, 28 June 1713).

Archbishop Grammont considered appropriate.[80] The SCC did not entirely agree. On 17 March 1714 it rejected his petition. Three months later, after reaffirming the denial of *restitutio in integrum,* the body approved his transfer to the Hospitalers of Santo Spirito in Sassia or the Augustinian Canons of Saint-Antoine de Vienne.[81] Whether he changed orders and, if so, which one he chose the records do not state; but since neither was a military order, Joseph-Xavier Petremand's career in arms had apparently come to an end.

Another noble of Besançon, Pierre Courtot, had eight children with his wife, Claude Colard. In order to pass their entire inheritance on to the eldest son, Jean-Ignace, the parents destined his five brothers and two sisters for religious life. On 11 October 1702, contrary to his inclinations, Claude-Joseph (Elia) professed in the Capuchin house of Saint-Amour. In May 1705 his superior sentenced him to five years in jail for selling furnishings from the sacristy. After repeated, foiled attempts to flee, he finally managed to escape and join the French army. Sometime before 16 July 1712, having heard that his parents had experienced a change of heart, he appealed to the pope for release from his vows.[82] When interrogated in early January 1713, Pierre Courtot admitted that he and a Capuchin relative had forced Claude-Joseph to become a friar. He and his wife expressed willingness to welcome their son back into the family home. Since neither his monastic superior nor the archbishop of Besançon objected to his being released, on 13 January 1714 the SCC so ordered, instructing Archbishop Grammont to prosecute Pierre Courtot for having exerted force and fear.[83]

Evidence drawn from the cases considered in this chapter illuminates several ways in which war had an impact on early modern European monachization. Not only did it serve as a pretext for pushing male and female adolescents into religious life against their will. In some instances, it complicated their efforts to gain release. For the most part, the threat of war functioned as a domestic bogeyman. Out of desperation, with a possible admixture of desire for adventure, only Gabrieu, Petremand, and Courtot actually fled from their native cities and monasteries to serve on distant battlefields.

The end of our itinerary is approaching. The concluding chapter will examine short- and long-term trends in forced monachization.

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80. Ibid., A1v-2r (Grammont to the SCC, 9 November 1710), A3r (attestation of Petremand's residence in the Cistercian monastery, 4 February 1710), A3–4r (two letters from Petremand to Grammont, n.d.), 4r-v (Grammont to the SCC, 4 July and 3 August 1713).

81. PRP 27, LD 64: 94v-95r (decision of 14 March 1714); PRP 27, LD 64: 253r-v, Pos. 379 (decision of 23 June 1714).

82. His petition was read in the SCC meeting on this date. PRP 25.

83. PRP 26, LD 64: 3v-4r, Pos. 379, Pall 491.

Chapter 9

Continuity and Change in Forced Monachization

As noted earlier (chapter 3), forced monachization in the late seventeenth and eighteenth centuries requires a primarily synchronic treatment. Let me recapitulate what I have shown. From the 1660s to the early 1790s, parents and other relatives compelled adolescents in their families to enter religious life. Their main reason for doing so, preserving as much of the patrimony as possible to pass on to a single (almost always male) heir, remained the same. So did the means used to accomplish this objective: treating offspring destined for the monastery or convent much more harshly than their siblings selected to remain in secular life; employing verbal and physical threats of various kinds designed to alienate adolescents from their homes and kin; making them eat apart from the family or depriving them of food; incarcerating them in locked rooms; conniving with and bribing religious to secure their vestition and profession.

Involuntary entry into a religious house was not predicated on the young person's junior position in the birth order. Often, force and fear thrust elder children into religious houses in the hope that resources would become available so that those lower in the birth order could marry. In blended families formed by second marital unions, offspring of a first marriage were frequently warehoused against their will in monasteries and convents in favor of stepsiblings, younger half siblings, or both, who were allowed to marry and remain in the inheritance stream.

Throughout the period covered in this book, numerous elders disregarded the dictum that monastic and marital contracts must be made voluntarily, a principle enunciated by many theologians and canonists and frequently reiterated by ecclesiastical writers and confessors. The proportion who survived long enough to heed confessors' adjurations and admit and repent of their fault seems to have remained constant. Some fathers continued explicitly to voice their adherence to the opposing principle of *patria potestas:* responsibility for disposing of their offspring, they defiantly claimed, lay entirely in their own hands.

Nor can change over time be discerned in the behavior of unwilling religious. Virtually all remained so rooted in the ingrained *habitus* of reverential fear that neither before nor after vestition and profession did they dare resolutely to oppose the will of those who exerted force on them. To be sure, most voiced their disinclination to become religious. Yet on the eve of their consignment to religious houses, not many had the courage and/or prescience to seek out notaries in order to make formal protests in the presence of witnesses. Chapter 17 of the Tridentine decree *De regularibus et monialibus* mandated that young women be interrogated about whether they were entering religious life of their own accord. Since more often than not, those who were compelling them to enter the convent hovered nearby to make certain that they answered in the affirmative, they had no alternative to saying yes. In the early 1740s, Maria Antonia Cappella, who was about to be thrust into the Carmelite house at Somma Vesuviana in the diocese of Nola, voiced a sentiment that other victims of forced monachization kept to themselves. In a probable mixture of cynicism and despair, she inquired of the ecclesiastical official who put the question to her: "What am I supposed to do?" (*Che debbo fare?*).[1]

During the ceremony of profession, some young men and women mumbled the required formula so indistinctly that no one could be certain that they had actually pronounced the required words. Because others were rendered mute by weeping, someone else had to make the binding promises in their stead. At least two, Anne-Marie Fauque and Giuseppe Felice Cavalli (both in chapter 5), cleverly substituted formulae of their own, very different from the words of profession. These facts, however, came to light only much later, when they petitioned for release from their vows. For many years or decades after profession, hundreds of unwilling religious endured undesired monastic reclusion. Ignorance about the procedure to be followed and lack

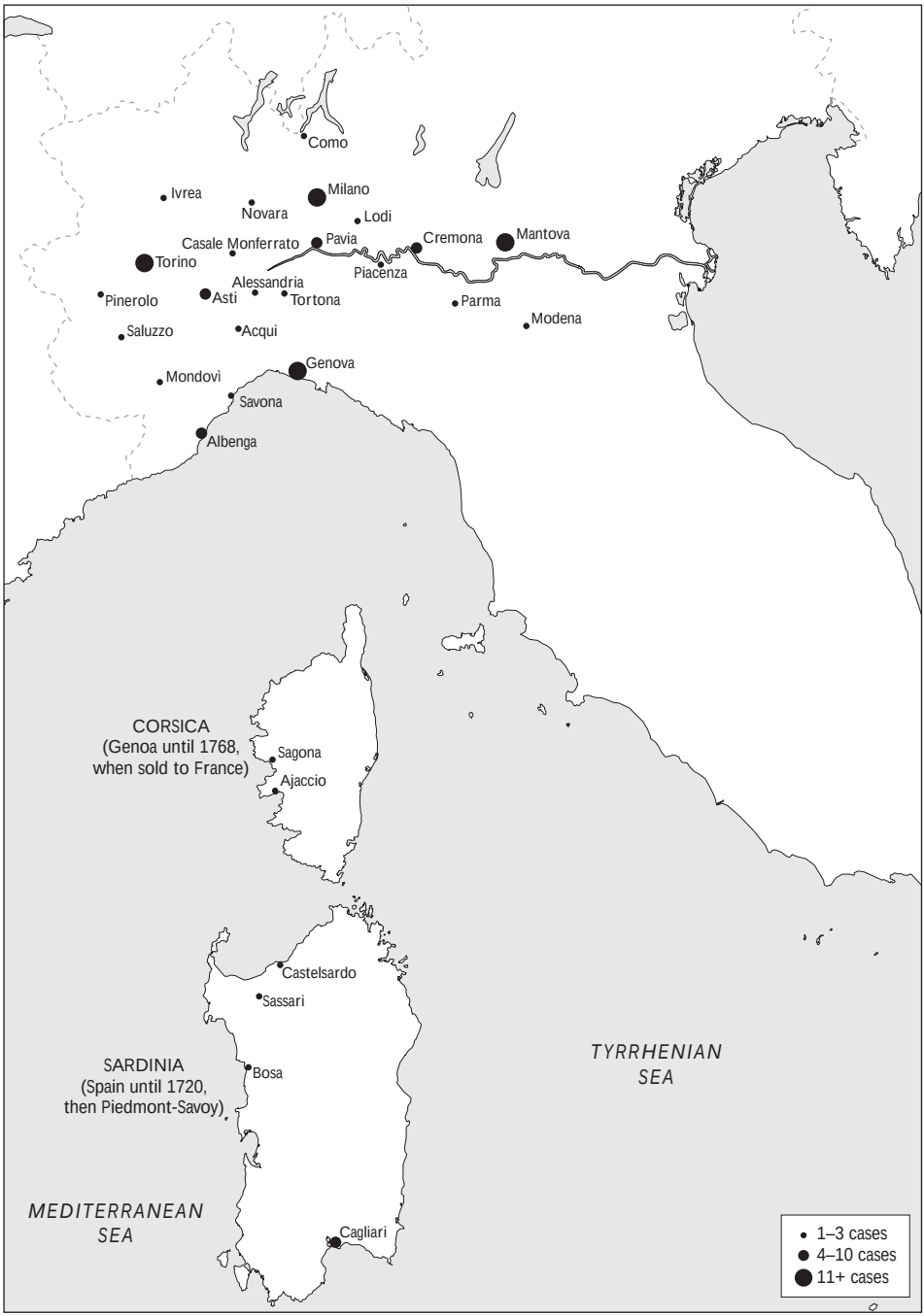
1. *ThR* 26: 55 (19 November 1757).

of the funds and support necessary to initiate it played some part in their inaction. More important, many considered it out of the question to seek *restitutio in integrum* and *nullitas professionis* until those who had forced them had disappeared from the earthly scene.

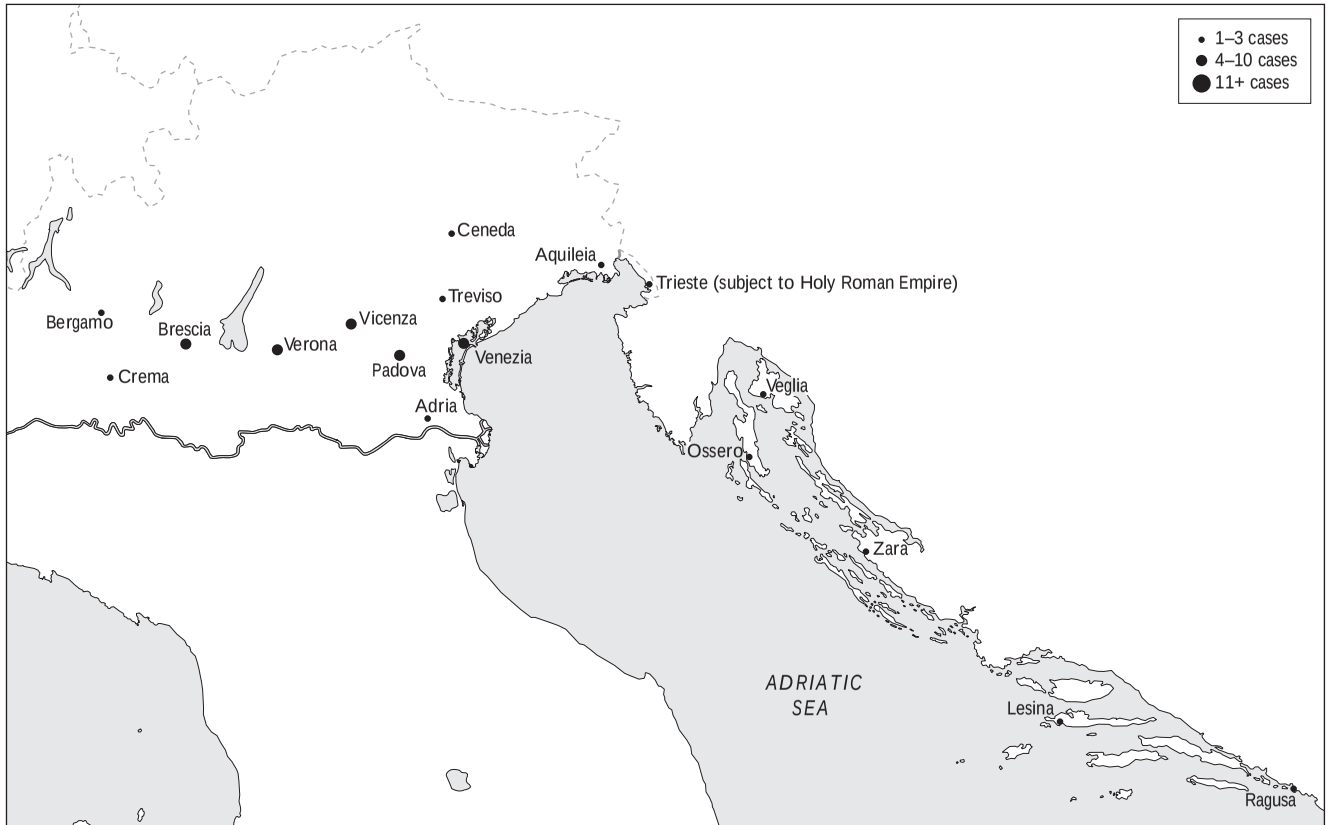
Throughout the period 1668–1793, the legal procedures for obtaining relief from forced monachization more than five years after profession remained largely the same. Unwilling religious petitioned the pope. He passed the petitions to the SCC (or on rare occasions to the SCER). That body instructed ordinaries to conduct investigations and transmit the transcripts to Rome. The SCC evaluated the transcripts and the written presentations of attorneys and arrived at decisions. If their decisions were positive, decrees of *restitutio in integrum* were promulgated and ordinaries were charged with issuing the complementary decrees of *nullitas professionis.* At this point, successful female petitioners could freely return to "the world." By this time, most of them were far beyond marriageable age. Their siblings, who may have taken legal action to oppose their release, would probably not have been enthusiastic about welcoming them back into their natal families and giving them a share of the patrimony. One wonders, therefore, what their newly acquired "freedom" actually amounted to. Successful male petitioners could seek positions as secular priests. In 1748, as we saw in chapter 4, Benedict XIV's constitution *Si datam* tightened up several aspects of the procedure but did not alter its main features. Only in the 1770s did a substantial innovation emerge: use of the indult of secularization as a streamlined, presumably low-cost way for men to pass from monastic orders to the secular priesthood.

Maps illustrate the geographical distribution of petitions to the pope for release from monastic vows, which did not change over time. The largest number came from Italy, especially from the Papal States of central Italy and the Spanish-ruled Kingdom of Naples; then, in declining order of frequency, from Spain, France, Portugal, and Malta, with a handful from the southern Netherlands, the Holy Roman Empire, Poland, and Russia. Only two arrived from Spanish possessions in America (Cuba and Mexico),[2] none from Portuguese colonies in America and Asia or from New France (Canada). The absence of petitions from Asia and New France is understandable. Reli-

2. In colonial Mexico, according to an expert, forced monachization (of women only, she assumes) was not a problem because "the convent was just not a major part of inheritance or elite consolidation strategies." Margaret Chowning, personal communication, 19 May 2009. Scholars studying colonial Peru, however, have encountered instances of forced monachization. Bianca Premo, personal communication, 24 August 2010.



Map 1. Italy: Northwest



Map 2. Italy: Republic of Venice

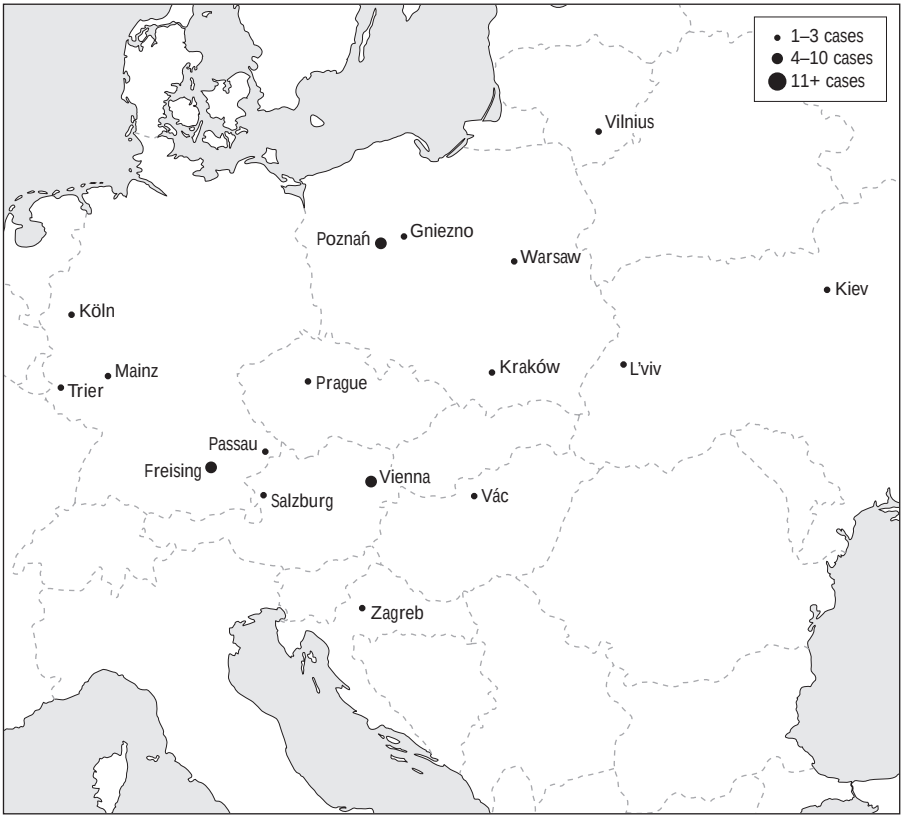
Map 3. Italy: Central

Map 4. Italy: Kingdom of Naples; Malta

Lugo
Burgos
Braga
Miranda do Douro
Valladolid
Urgell
Solsona
Zaragoza
Barcelona
Coimbra
Coria
PORTUGAL
Toledo
Cuenca
Lisboa
Elvas
Badajoz
SPAIN
Valencia
Córdoba
Jaén
Sevilla
Guadix
Granada
Cartagena
Cádiz
Málaga
1–3 cases
4–10 cases
11+ cases
CANARY ISLANDS
Las Palmas de
Gran Canaria

Map 5. Iberia

Map 6. France and southern Netherlands



Map 7. Central and Eastern Europe

gious went overseas to these mission fields voluntarily, seeking to convert the "heathen" and in some instances to court martyrdom. European populations there were so thin on the ground and religious houses were so few that the perceived necessity of coerced placement in them probably did not arise.

Some polities, as we saw in the case of Venice, discouraged or forbade certain kinds of appeals to Rome. In France, at the instance of opponents, the papacy's jurisdiction over release from monastic vows could be and sometimes was challenged in secular courts, the sovereign Parlements. The main factor accounting for the very uneven geographical distribution of petitions, however, was surely the difficulty of communications over long distances. The farther away from Rome a petitioner lived, the more difficult and expensive it was to institute and sustain legal proceedings there.

The degree to which cases of forced monachization became a matter of public knowledge depended largely on the size of the community in

which they occurred. In small towns, according to witnesses, *publica vox et fama* about them was universal. In larger urban environments, inhabitants of neighborhoods and members of occupational groups and the teacher and his students in at least one classroom—Fra Girolamo Francesco Balestrini's course in theology in Genoa (chapter 6)—heard, discussed, and wrung their hands over the sad fate of involuntary religious and the reprehensible behavior of those who exerted force and fear on them. For two obvious reasons, no information about cases of appeals against forced monachization achieved wide circulation in print. First, its intended and almost certainly its actual audience was restricted to the cardinals on the SCC, Roman lawyers who before 1739 had access to the Libri Decretorum in SCC archives, and a somewhat wider group of legal professionals who after 1739 could consult the published *Thesaurus Resolutionum*.[3]

The second reason for the limited circulation of printed information has to do with language. Throughout our period, materials submitted to and issued by the SCC were prepared and produced in Latin (except for witness testimony, rendered in Italian), which automatically restricted their accessibility. The situation in France provides a sharp contrast. There, attorneys' briefs in civil cases (*mémoires judiciaires*), written and published in the vernacular in enormous press runs, reached a vast audience that included both professionals and general readers. They generated *causes célèbres,* avidly followed within and beyond France, wholly unlike anything attained in cases of forced monachization, except perhaps by some especially popular fictional treatments.[4] Here again, the one element of change—the publication beginning in 1739 of the *Thesaurus Resolutionum*—is overshadowed by the continuity of limited knowledge in the lay, nonprofessional public sphere.

Change: The Parabola of Claiming and Adjudicating Forced Monachization

During the period 1668–1793, then, little changed regarding the fact of pervasive coerced monachization, the reasons behind the practice, the means

3. The existence of a bound book of printed representations by attorneys in the case of Agnese Frosciante (see chapter 1) and of the *DSCC* raises the possibility that such published materials may have circulated more widely than suggested here. Since those books are the only two I have come across, however, that possibility seems very remote.

4. See Maza, esp. 24–39, 62–64 (where the author compares *mémoires judiciaires* to *drames*); and Hanley, esp. 320–29. Neither refers to *mémoires judiciares* concerning forced monachization.

by which it was accomplished, the attitudes and behaviors of its victims, the way cases were adjudicated, its geographical distribution, and the extent of public knowledge about it. The same cannot be said about the frequency of legal proceedings for release from monastic vows. Graphs 5 through 8 show the ups and downs of action in the SCC.

In terms of cases initiated, during the decade 1668–77 the pope passed on to the SCC slightly fewer than one hundred petitions for release from monastic vows. In the following three decades the number varied slightly, but not by much. The ten-year period 1708–17 saw a dip to around sixty per decade. Between 1718 and 1737, the numbers rose to an all-time high of about 150 per decade. Thereafter, they began a sharp decline, shrinking to a small handful from the decade 1758–67 until the end of the period.

The patterns of cases decided look somewhat different, both from those of cases initiated (which include "incomplete" ones, on which the SCC never ruled) and among themselves. Those involving male petitioners in which the SCC reached a negative decision—62 percent, as we saw in table 1 in chapter 1—peaked early, between 1678 and 1687, at slightly more than forty; another summit, again around forty, was reached in the decade 1698–1707. The numbers then went up and down, with high points of about thirty in

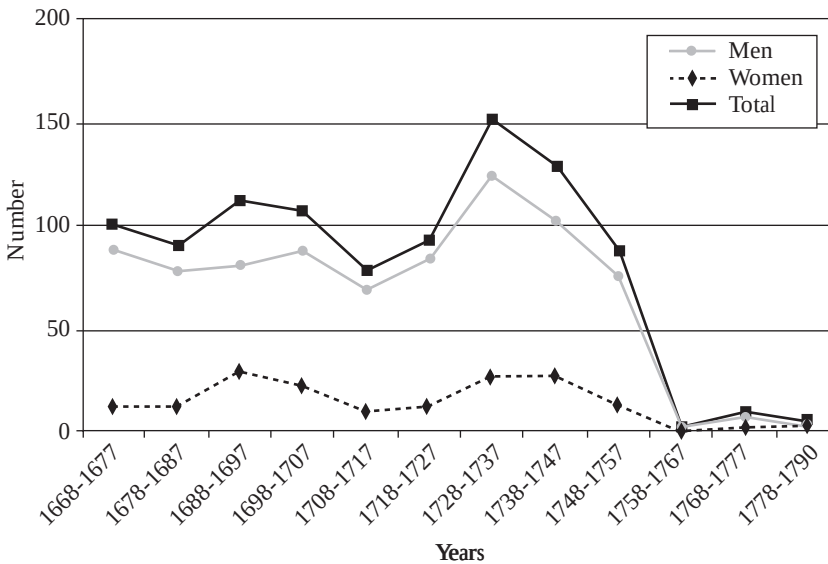


CHART 5. Cases initiated throughout the period

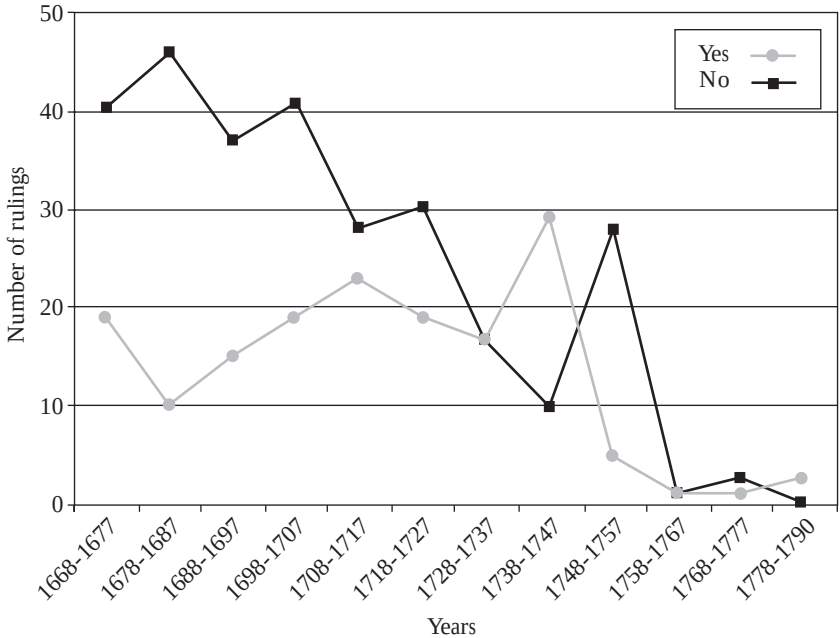


CHART 6. Decisions (men)

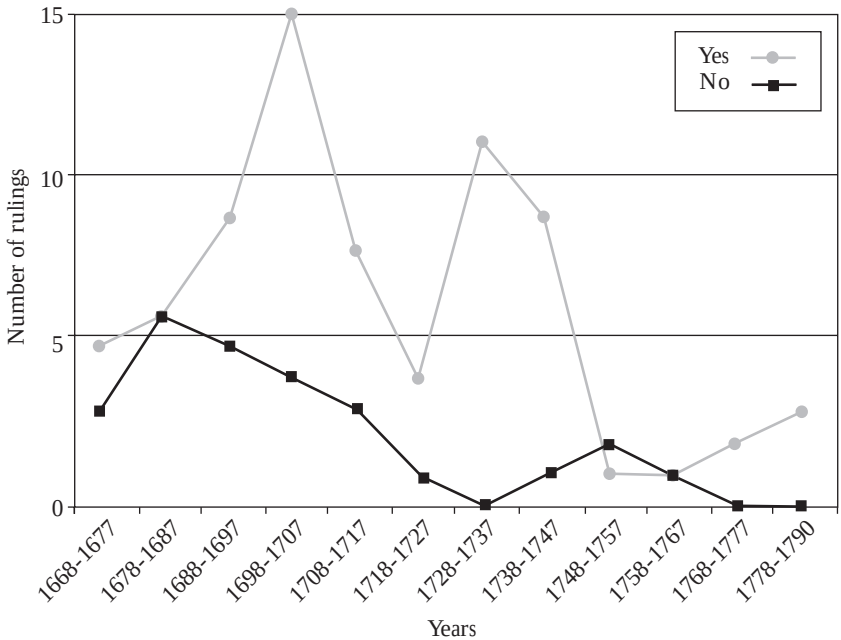


CHART 7. Decisions (women)

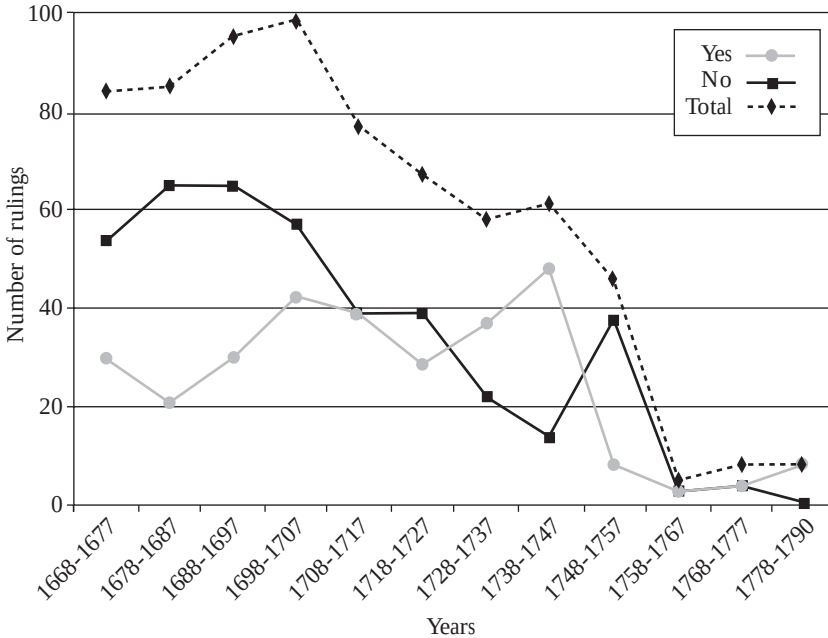


CHART 8. Total decisions. This graph represents all rulings by the SCC on petitions for release from monastic vows—often more than one in each case.

the decade 1718–27 and slightly fewer than thirty in the decade 1748–57. From 1758 on, a sharp decline set in, with numbers far below ten per decade. Favorable decisions—37.6 percent overall—numbered just under twenty in the initial decade (1668–77), shrank to around ten in the following decade, and then rose fairly steadily, reaching a peak of just under thirty in the decade 1738–47. Beginning in the decade 1758–67, the number began sharply to contract, first to about five and then to fewer than five in the last three ten-year periods covered in this book.

Decisions in cases involving female petitioners exhibit a distinctive pattern. Throughout, outcomes for female petitioners were more favorable than those for males (table 1): in 70.8 percent of the cases in which the SCC made a ruling about annulling a nun's vows, it was positive. The reasons for women's greater success rate are not difficult to discern. For one thing, because it was harder for women to petition, those who managed to do so represented the cream of the crop in terms both of provable imposition of force and fear and of the economic possibility of hiring expert legal counsel. For another, the differential standard for vulnerability to force and fear, discussed

in chapter 5, surely worked in women's favor. In one early decade, 1678–87, negative decisions equaled positive ones; in a much later one, 1748–57, there were more unfavorable than favorable rulings. Typically, however, favorable decisions far outnumbered unfavorable ones. Peaks for grants of *restitutio in integrum* were reached in 1698–1707 (an all-time high of fifteen), 1728–37, and 1738–47. The sharp decline in the number of decisions of either sort issued to women began a decade earlier (1748–57) than the shrinkage of decisions regarding men.

The total number of decisions reached by the SCC rose from the low sixties in 1668–77 to a high of eighty in 1698–1707. From 1708 until 1757 it shrank rather steadily to just under forty. From 1758 on, the numbers became exiguous. Only from 1728 on—with a temporary reversal in the decade 1748–57—did favorable decisions begin to outnumber unfavorable ones. The most significant aspect of the three patterns is the onset of precipitous decline in SCC deliberations on petitions regarding forced monachization: from 1758 in male cases and overall, in the previous decade in female cases. How to explain it?

A General Decline in Monasticism?

Three superficially appealing hypotheses can immediately be discarded. First, the European population did not decline in the eighteenth century, producing a smaller pool of monachands. On the contrary, in the absence of pandemics,[5] it expanded rapidly. In 1700 there were 13.4 million Italians, in 1750 15.5 million, and in 1800, 18.1 million (an increase over the century of 35.1%). The population in the rest of Europe grew almost twice as fast: from 101.6 million in 1700 to 124.5 million in 1750 to 169.9 million in 1800 (an increase over the century of 67.2%).[6]

Second, no general contraction in the SCC's activity occurred between the late 1750s and the mid-1790s. Indeed, judging by the growing bulk of PRP volumes, it appears to have increased.

Third, the actions of secular governments cannot be adduced as an explanation. Beginning in the late 1760s and early 1770s, rulers all over Europe

5. Outbreaks of plague devastated Lombardy and the Veneto in 1630–31; Genoa, Rome, and Naples in 1656; Friuli in 1698–99; Marseille in 1720–22; and Messina in 1743. None of them escalated into a Europe-wide catastrophe.

6. Bellettini, 497, 517.

undertook to limit the number of religious houses; to curtail, by abolishing *mortmain,* monasteries' and convents' ability to support themselves with bequests of landed property; and to raise the minimum ages of vestition and religious profession, thereby presumably increasing the proportion of "steady" men and women capable of resisting family pressure to become professed religious. A particularly well-documented example is the Republic of Venice in 1766 a newly established magistracy, the Deputazione *ad pias causas,* conducted a survey of male religious in the city and *terraferma* possessions of the state, which counted 7,703 men in regular orders. Legislation passed by the Senate on 7 September 1768 regulating new vestitions, along with the suppression of 138 of 327 monasteries, resulted in the shrinkage of this population to 5,055 in 1778 and 4,166 in 1781; it then rebounded slightly to 4,692 in 1785 but diminished again to 4,265 in 1790.[7] During the same period, the Venetian government abolished 127 female houses.[8] Impressive as results like these were, they shed no light on why the number of petitions for release from vows handled by the SCC decreased so dramatically a decade earlier in cases involving men and two decades earlier in cases involving women.

Monastic Demography in Italy

During the past seventy years, practically all investigations of Italian monastic demography have begun, and some of them have ended, with the findings of Karl Julius Beloch (1854–1929). A native of Silesia who spent most of his life in Italy, Beloch specialized in the history and demography of ancient Greece. Throughout his career, he also collected data on the demography of medieval and early modern Italy. This massive investigation, virtually completed at the time of his death, appeared posthumously in three volumes between 1937 and 1961.[9] Scrupulously noting the provenance of each, Beloch mined a wide variety of quantitative sources—from property tax records (*estimi* and *catasti*) to counts of households (*fuochi*) and people old enough to eat bread (*bocche*) to enumerations compiled by priests of the residents in their parishes (*status animarum*) to governmental representatives' reports on their tenure in outlying regions, to mention just a few.[10] Neither he nor those who subse-

7. Venturi, 148–50; Rosa, "Le istituzioni ecclesiastiche italiane tra Sei e Settecento," 300–301. Rosa's numbers differ slightly from Venturi's.

8. Gullino, 310.

9. Momigliano, esp. 44–45. Beloch's original title was *Bevölkerungsgeschichte Italiens.* On account of its greater accessibility, I use the one-volume Italian translation.

10. Beloch, 3–7.

quently conducted more limited and sharply focused investigations involving populations, however, could compensate for an enormous drawback. None of these sources qualifies as a serial record: a count conducted repeatedly at more or less regular intervals, employing uniform criteria. The light they shed on any topic flickers intermittently, rather than casting a steady beam that provides a solid basis for generalizations.[11]

Nonetheless, generalizations abound concerning the parabola of monastic populations over time, both across Italy and in particular regions. According to Pietro Stella, for instance, by the end of the seventeenth century in northern and central Italy, "a social and demographic revolution had silently occurred in the highest social ranks": parents were placing fewer of their children in monastic life. During the eighteenth century this trend continued and spread to other regions; in consequence, the proportion of the adult population in regular orders and communities steadily decreased.[12] In her study of Venetian nuns, Jutta Sperling repeatedly contends that from the middle of the seventeenth century on, monachization rates for women went into an abrupt, irreversible decline. She attempts to link this development to the opening of the previously "closed" patriciate in 1646 to families willing to put up 100,000 ducats for the privilege of being incorporated into the ruling class.[13] For reasons Sperling does not explain, this infusion of new blood allegedly initiated the decline of the patriciate, and of the Republic of Venice. Since her table showing numbers of nuns contains a gap of 110 years, between 1656 and 1766, her argument is not convincing.[14]

Other studies belie blanket assertions that numbers of professed religious of both sexes began to plunge in the mid-seventeenth century or at the latest by the early eighteenth century. It is true that Innocent X's suppression of very small and economically unviable male houses, promulgated in the bull *Instaurandae regularis disciplinae* (1652), had a drastic impact, especially on the mendicant orders and in the south.[15] After the lifting in 1695 of the *numerus clausus* (limitation of inhabitants in each male house to the number its resources could support), however, most male orders rebounded.[16] Capu-

11. One of the few commonalities found by Beloch and confirmed by later researchers was that throughout the period covered in this book, nuns far outnumbered male religious in most Italian cities and dioceses.

12. Stella, 93–96 (relying on Beloch's data).

13. Sperling, 17–18, 28, 70–71. Between 1646 and 171, 139 families bought their way into the patriciate. Hunecke, *Il patriziato veneziano,* 125, 127. Another round of aggregations, this time of noble Terraferma families, occurred in the decade 1775–85. Ibid., 128.

14. Sperling, 28.

15. Boaga; Landi.

16. Rosa "Le istituzioni ecclesiastiche," 284.

chins, who had not been affected by the legislation of 1652, increased from 27,336 in 1698 to 32,821 in 1754.[17] Between 1616 and its suppression by Clement XIV in 1773, the Jesuit Order grew from around 13,200 to 23,000.[18] Carmelites of the Ancient Observance, some 12,000 at the beginning of the seventeenth century, still numbered around 15,000 in 1788, two decades after enlightened rulers began to clip the wings of religious orders.[19] Numbers of Discalced Carmelites in the Italian Congregation, which included all members outside Spain, grew from 2,326 just before Innocent X's suppressions to 3,855 in 1701 to about 4,470 in 1762.[20] Reformed Franciscans, 11,400 in 1580 and 12,000 in 1700, reached 19,000 in 1762.[21] These examples of growth could be multiplied. A single male group, the Benedictine monks of the very small Cassinese Congregation, experienced an early shrinkage: from 553 in the period 1700–1720 to 508 in 1720–40 to 504 in 1741–60.[22]

Detailed, credible studies of female monastic populations over a long period reveal a different, more varied pattern. In Rome, according to Marco Della Pina, the peak population of nuns, 2,816 (6.6% of the female population), was recorded in 1657; by 1702, there were only 1,963 (3.4%), and in 1769 there were 1,797 (2.6%).[23] Following a high point in 1642 of 2,938 nuns in Venice, the numbers dipped in 1655 to 2,505, but by 1766 it had risen to 2,732 (a proportion of the total female population smaller, however, than in 1655).[24] In Florence, the all-time high occurred even earlier: 4,001 nuns in 1632 (11.6% of the female population); after what looks (over widely separated years) like a steady decline, by 1766 there were only 1,576 (proportion incalculable).[25] Everywhere, to the limited extent that it has been studied, one feature of female monastic demography exhibited an upward trend throughout the period: a rise in the proportion of *converse,* most of them from rural areas, to the elite choir nuns they served.[26]

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17. Melchiorre da Pobladura, 225–26.
18. Fois, 1265, 1275.
19. Saggi, 471–73.
20. Macca, "Carmelitani Scalzi," 532, 535.
21. Sbardella, 1736–37
22. Spinelli, 460–62.
23. Ibid. Targeting different years, Fiorani (66–67) arrived at similar results up to 1700.
24. Della Pina, 78. An earlier study of Venice, however, shows a rebound in the number of nuns in 1790: 2,531. Beltrami, 79. An examination of two out of six administrative districts (*sestieri*) of Venice shows an analogous sharp drop between 1624 and 1761. In Castello in 1624, 950 women (choir nuns, servant nuns, and girls in education) lived in convents; in 1761 the number was down to 693. In Dorsoduro, the figures are 959 in 1624, 726 in 1761. Hunecke, "Kindbett oder Kloster," 454–55.
25. Ibid., 75.
26. Novi Chavarria.

These bare statistics tell us precious little about forced monachization. Scattered evidence suggests that changing behavior of families in regard to disposition of their children may have greater explanatory power. Many years ago, two scholars who meticulously conducted longitudinal demographic studies of Catholic cities found significant shifts over time. In Milan, as Dante Zanetti showed, patrician patriarchs born between 1650 and 1699 made 22 percent of their sons monks or friars and 30.5 percent of their daughters nuns. Among offspring of patrician fathers born in the half-century 1700–1749, the percentages declined to 12.8 percent of sons and 13 percent of daughters. In the last half of the eighteenth century, the proportions fell even further: to 5 percent of sons and 2.8 percent of daughters. This downward trajectory parallels the less dramatic one of people (never-married layfolk as well as religious) who died celibate at age fifty or more: 56 percent of men and 48.5 percent of women in the period 1650–99; 50.5 percent of men and 34.5 percent of women between 1700 and 1749; 36.5 percent of men and 13 percent of women between 1750 and 1799.[27]

Robert Forster's detailed study of fifteen noble families in Toulouse (six of the sword, nine of the robe), which between 1670 and 1790 generated 274 children, exhibits a similar pattern, which can be presented more efficiently in tabular form than by a summary in prose (table 2).[28]

Over the entire period Forster covered, the average number in Toulousain noble families of children who survived into adolescence was 4.58. As he showed, however, it varied over time: 4.92 in 1670–1700, 6 in 1700–30, 4 in 1730–60, and 3 in 1760–90.[29] Infant and early childhood mortality was surely not on the rise—very likely the reverse. These Toulousain parents evidently knew of and were employing some form of birth control. Their motive for limiting family size is evident: the fewer the offspring, the less their elders had to worry about disposing of some of them in religious houses. Unfortunately for our purposes, in his category "clergy," Forster did not distinguish between male religious and secular priests. Nonetheless, his findings dovetail reasonably well with the decline in SCC cases concerning forced monachization. In Toulouse during the period 1730–60, monachizations—and for men, an unknown number of entries into the secular clergy—dropped off by more than half. During the final thirty-year period, a much higher proportion of offspring married, and not a one of either sex went, willingly or unwillingly, into religious life.

27. Zanetti, 83–84.
28. Forster, 128–29.
29. Ibid.

Table 2. Elite Families and Monachization in Toulouse, 1670–1790

PERIOD	DIED YOUNG, NUMBER	MARRIED, NUMBER (%)	DIED UNMARRIED (LAY PEOPLE), NUMBER (%)	ENTERED RELIGION, NUMBER (%)
1670–1700				
Sons (33)	1	16 (41%)	11 (34%)	5 (16%)
Daughters (41)	4	19 (51%)	8 (22%)	10 (27%)
1700–1730				
Sons (40)	5	17 (47%)	7 (19%)	11 (31%)
Daughters (50)	2	19 (40%)	17 (35%)	12 (25%)
1730–60				
Sons (36)	3	20 (35%)	8 (14%)	5 (9%)
Daughters (24)	2	9 (41%)	8 (36%)	5 (23%)
1760–90				
Sons (25)	3	16 (73%)	6 (27%)	0 (0%)
Daughters (25)	0	18 (72%)	7 (28%)	0 (0%)

Source: Robert Forster, *The Nobility of Toulouse in the Eighteenth Century: A Social and Economic Study* (Baltimore: Johns Hopkins University Press, 1960), 129 (adaptation of Forster's table 10; my calculations of percentages).

Granted, the findings from Milan and Toulouse, representing relatively small numbers of people, can hardly be generalized to all of Catholic Europe. Still, they are suggestive. Where appropriate sources exist, further research by scholars competent in demography and interested in elders' decisions about placement of their offspring may eventually broaden the picture. Numbers, however, will never tell the whole story. It would appear that as early as the seventeenth century, elite married couples in some regions were beginning deliberately to limit family size. This was not the case everywhere. Before 1699, for example, Venetian patrician families had an average of 9.27 surviving offspring. The numbers declined to 7.56 between 1700 and 1727 and 6.87 after 1730—still a considerable number whose futures needed to be arranged.[30]

Were elite parents in the mid- to late eighteenth century also increasingly willing to heed adolescents' objections to entering religious life, more attentive to confessors' and ecclesiastical writers' condemnations of forced monachization, and therefore less inclined to place reluctant offspring in religious life than their forebears in the late seventeenth century and the first

30. Hunecke, *Il patriziato veneziano alla fine della repubblica,* 95–96.

half of the eighteenth had been? Only close examination of surviving private correspondence, I believe, may begin to answer these questions.

Change: The Lexicon of Liberty

The concept of liberty, central to Enlightenment thought, was articulated in both expository treatises and works of imaginative literature published in the eighteenth century. Forced monachization, one might think, would have proven to be a fertile field for discussion of what the American Declaration of Independence famously termed "Life, Liberty, and the pursuit of Happiness." As we saw in chapter 2, this assumption proves to be mistaken. In contrast to the plethora of treatments during the two previous centuries, forced monachization played almost no role in Enlightenment expository prose.

Considered in the abstract, the language of liberty would appear to be integral to the discourse of involuntary monachization. In monachization as in marriage, as we have seen, court action centered on the conflict between legitimate free choice and illegitimate constraint. From the 1660s to the late 1730s, all petitioners, attorneys, and witnesses detailed the elements of forced monachization. Rarely, however, did they couch their assertions in terms of liberty.

Yet for a time in the mid-eighteenth century, the linguistic register changed. Explicit assertions that the "liberty" of a vulnerable young man or woman had been violated by one or more "tyrants," who had employed "cruel," "unusual," "atrocious," and "inhumane" means to achieve their selfish purposes, begin to appear much more frequently on the scene. In this final section, we will trace this temporary but significant lexical shift in an ecclesiastical tribunal, the SCC—the last place one would expect to encounter "enlightened" views. To do so, we will focus on Giuseppe Alessandro Furietti, secretary of the SCC from September 1743 to September 1759—the longest term in that office served by anyone in our period.

Born into a patrician family in Bergamo in 1684, Furietti studied rhetoric and philosophy in Milan. Moving to the University of Pavia, he pursued his education in theology, mathematics, and jurisprudence, earning a degree in civil and canon law around 1705. About the same time, he was ordained to the priesthood. In 1709 he went to Rome for two reasons: to build a career in the papal bureaucracy and to cultivate his intellectual interests. A year after his arrival, he was inducted into the Arcadia, a famous literary academy. His literary activities included editing the works of two fifteenth-century humanists from the Bergamo region, Gasparino and Guiniforte Barzizza,

and composing a biography of a sixteenth-century Bergamasque poet, Marco Publio Fontana.

From 1736 on, drawing on his own substantial resources, Furietti hired teams of workers to conduct archeological excavations in the ruins of Hadrian's Villa at Tivoli, which he supervised in person during his summer vacations. He specialized in mosaics, on which he published a treatise in 1752. Supposedly, his refusal to hand over to Benedict XIV two marble statues of centaurs his employees had unearthed soured his relationship with that pontiff and stalled his career. Early in the following papal reign, however, he was able to move beyond the upper-middle rank of the papal bureaucracy. On 24 September 1759, when Furietti was seventy-five, Clement XIII raised him to the cardinalate, at which point he left the position of secretary of the SCC to become a member of it and several other congregations. Not long thereafter he became incapacitated, probably by arteriosclerosis; he died in 1764. From the wall above his funeral monument in the Roman church of Santi Bartolomeo e Alessandro dei Bergamaschi, which he had served as protector, his portrait (fittingly executed in mosaic) looks down on viewers.[31]

Furietti's skill in rhetoric, not his passion for classical archeology, concerns us here. As secretary of the Congregation of the Council, he approached writing summaries of cases in a manner quite different from that employed by his predecessors. Rather than relying exclusively on attorneys' printed submissions and summarizing them in a dry, studiously neutral fashion, he spoke directly to the cardinals, attempting to influence their decisions. When he thought they needed a long-term legal perspective or refreshment of their memories about a petitioner's story, he provided that information. Introducing the case of the Augustinian Hermit Ludovico Martinelli of Rimini in March 1744, for example, he opened his summary not with the petitioner's name and circumstances but with a general observation intended to orient his audience. "For a long time, it has been the case that when [widowed] men take new wives, the spouses, overcome by love for their own children, come to hate those from the first marriage and want to put them out of the way."

This was exactly what happened to Ludovico, the eldest of seven children from Ignazio Martinelli's first marriage. Hoping to put him in a monastery, Ignazio made his son dress in "vile" clothing and sleep in the attic among dove

31. Fagioli Vercellone; Miranda, bios1759.htm#Furietti. Another of Furietti's archeological finds was the famous mosaic medallion of four doves drinking from a bowl, now in the Capitoline Museums. He left his books and manuscripts to his hometown, Bergamo, where they became the nucleus of the Biblioteca Civica Angelo Mai.

and hen droppings. He deprived him of food, menaced him verbally, and beat him so hard with whips and a sword that the "ignorant adolescent" had to spend a month in bed in order to recover. Ignazio's harsh behavior appalled his friends and even his new wife, Caterina Costa, who urged him in vain to desist. "With a broken soul and thoroughly desperate," as Furietti put it, Ludovico saw no alternative to entering the Augustinian Hermit house in Ancona, where he professed in 1725. On learning ten years later of his "inhumane father's death," he rejoiced, thinking that he could now get out of the monastery. Illness and lack of money, however, forced him to postpone petitioning the pope until 1741. During the diocesan investigation, all ten witnesses—including his stepmother—concurred that Ludovico had been compelled by atrocious force and fear to become a friar. The bishop of Ancona agreed; the head of the Augustinian Hermit Order was not opposed to his release. On 14 April 1744, the SCC voted to accord Martinelli *restitutio in integrum*.[32]

In November of the same year, Furietti began his summary of the case of Antonio Visca (in religion, Francesco Maria da Paola), a Reformed Franciscan from the diocese of Oria in Puglia, with a historical reflection. The ancient Romans, he reminded the cardinals, had recognized limitations on the legitimate exercise of *patria potestas:* it did not extend to the exertion of "atrocious force and fear."[33] Antonio Visca's father, Paolo, had gone far beyond these limits. Furietti apologized in advance for having to provide "a rather long but necessary historical account of things the Most Eminent Fathers may not know."[34] No doubt he was alluding discreetly to the fact that few if any members of the SCC—even the minority among them who attended its meetings—had read the materials presented by the petitioner's counsel.[35]

The story began in 1698, when at his second wife's behest, Paolo Visca employed "atrocious force and fear" to compel Antonio, a son from his first marriage, to enter the Reformed Franciscan monastery at Francofonte.[36] Furietti summarized Visca's forty-four-year struggle, opposed by members of his order, to gain release. Only one father provincial, early in his monastic career, showed any sympathy; the others "punished and warned him severely and sharply, exposing him to ridicule." Around 1717, having lost patience, he asked the order's permission to appeal to the SCC or the archbishop of

32. *ThR* 13: 97–99, 101 (24 March and 18 April 1744). There is nothing in Pos. regarding Visca.

33. *ThR* 13: 193 (21 November 1744).

34. Ibid.

35. As we saw in chapter 4, those attending the SCC's meetings rarely numbered more than ten (usually the same ones at every meeting).

36. *ThR* 13: 193–94.

Naples. Informed by the SCC that he should apply to the archbishop, he showed that body's letter to his provincial, who had him jailed in Lecce. That provincial, the secretary editorialized, showed "contempt for the Most Eminent Fathers and disdain for the majesty and authority of [this] tribunal throughout the world."[37]

"This," Furietti concluded, "is the lamentable history of this man's life." He gave another reason for rehearsing it in such detail: Visca was too poor to have the entire trial record copied and sent to Rome. "To give here the reason for nullifying [his profession]," he asserted, "is pointless, for reading the account makes it obvious to all." Apparently, members of the SCC were sufficiently moved by the secretary's presentation to overlook gaps in documentation and disputable issues. On 21 November 1744 they approved the petitioner's request for release from his vows.[38]

As mentioned earlier, before reaching a happy conclusion thanks largely to secretary Furietti, Antonio Visca's judicial ordeal had dragged on for more than four decades. Another case with which Furietti dealt, that of Feliciana Britto, a nun in the archdiocese of Lisbon, occupied the SCC for at least seventeen years.[39] When Furietti summarized her situation on 25 January 1744, he began by asserting that "the tragedy of her profession" was abundantly clear. At age five, she had been forced into the Dominican convent of Santa Ana by her father, Luís, whose manners "violated all the laws of human nature and society." In collusion with her "severe, harsh" maternal aunt, Luísa, a nun in the same convent, he compelled her to vest and profess. Here Furietti may have been drawing on language crafted by her lawyer; but in an excursus about the difficulty of evaluating evidence of "force," he was almost certainly speaking in his own voice. He reminded the cardinals of a long established, frequently reiterated principle: a degree of force that a "constant man" could withstand was enough to overwhelm the weaker mind, soul, and body of a woman. He concluded by reiterating that all the evidence pointed to a "lamentable profession, manifestly contrary to [Britto's] will."[40] Two weeks later, the Congregation of the Council granted her *restitutio in integrum*.[41]

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37. Ibid., 193, 194–95.

38. PRP 57, LD 94: 548r-49v.

39. The SCC's paper trail on Britto begins only on 3 April 1734 (PRP 47). Furietti stated that shortly after her father's death in 1718 she sent a petition to the pope that never arrived in Rome. She petitioned again in 1725 and a third time in 1730, after her aunt died. *ThR* 13: 20–21 (25 January 1744).

40. Ibid., 20–22.

41. PRP 57; LD 94: 61r (25 January 1744).

Three years later, on 18 March 1747, Britto's case came before the SCC again. This time she was asking for *nullitas professionis,* usually issued automatically by the petitioner's ordinary once the SCC had granted *restitutio in integrum.* The vicar general of the patriarchal curia in Lisbon had refused to concede it on the ground, entirely specious in Furietti's opinion, that a woman (her aunt)—not a man (her father), "as [the vicar general wrongly claimed] is almost necessary in law"—had exerted the force and fear leading to Feliciana's involuntary profession. An official of the papal nunciature in Lisbon, though conceding that her case amply illustrated "the unjust and illicit ways in which parents in that kingdom [Portugal] induce their reluctant daughters to profess," confirmed the patriarchal curia's negative decision. Britto therefore had to appeal anew to the pope. With additional evidence in hand about "this unhappy nun," Furietti hinted in wrapping up his summary, the SCC should do right by her again.[42] On 15 April 1747 the cardinals voted *affirmative et amplius,* meaning that they granted the petition for *nullitas professionis* and considered the matter closed.[43]

In his presentation of the cases of Visca, Britto, and many others, Furietti articulated the language of liberty mainly by evoking the specter of its opposite, constraint, and seeking to move the cardinals' emotions in the petitioners' favor. Introducing the case of Anne-Marie Fauque (de Saint-Xavier), an Augustinian nun in Avignon whom we have met briefly at earlier points, he stated that the cardinals would have read her petition and supporting documents—an unrealistically optimistic assumption—"not, we believe, without horror in their souls."[44] Born on 26 August 1720 to a doctor of laws, Joachim-Joseph Fauque, and Jeanne-Claire de Fayard, Anne-Marie was the eldest of their five female offspring. When Joachim-Joseph had to be consigned to an insane asylum, Jeanne-Claire took charge of the family. To prepare Anne-Marie and Madeleine, her second child, for entry into religious life, she placed them in education in a series of convents. In August 1735, three months after her husband's admission to a mental hospital, she moved them to Saint-Augustin, an Augustinian house in Avignon, where she intended that they take the veil and profess.

Unlike her sister Madeleine, Anne-Marie strongly objected to being made a nun. Her mother's beating and depriving her of food, along with the dire threat to put her in a house of correction far from Avignon, intimidated her so much that she concealed her aversion. On 19 January 1736, three days

42. *ThR* 16: 26 (18 March 1747).
43. PRP 60, LD 97: 105v-6r.
44. *ThR* 17: 8 (27 January 1748).

before the convent's regulations allowed, she donned the novice's habit. That very evening, she came down with a life-threatening disease, probably measles.[45] In the letter quoted previously, her mother had concluded by declaring: "I strip myself of all the sentiments of nature. Don't count on me, and if you don't do what I want, no longer consider me to be your mother."[46] Now she curtly told her ill daughter, "You'll be buried."

In order to persuade the nuns to vote against admitting her to profession, Anne-Marie Fauque devised an ingenious strategy: simulating adherence to Jansenism. For almost a century, this extreme Augustinian position, purportedly derived from the Dutch bishop Cornelis Jansen's posthumous work *Augustinus* (1640), had periodically troubled the Church in France. Its most recent eruption followed the death in 1727 of a Jansenist deacon, François de Pâris, in the odor of sanctity. Apparent miracles occurred around his tomb in the Parisian cemetery of Saint-Médard; his followers went into what they considered ecstasy and their critics termed hysterical fits—hence the derogatory epithet "Convulsionnaires." From Paris, the movement spread into southern France.[47] In the vicinity of Avignon, as Furietti put it, "Jansen and Pâris were on everyone's lips."[48]

Anne-Marie Fauque obtained Jansenist books from visitors in the convent parlor and pretended to accept their teachings.[49] Her ploy did not shock the nuns of Saint-Augustin as much she had expected. Convinced that she was not a promising candidate for profession, they had already decided against making her a permanent member of their monastic community. Their freedom to determine whether to accept her, however, was negated by Archbishop Francesco Maurizio Gontieri, Jeanne-Claire de Fayard's "confederate and close friend." At her insistence, he dispatched his vicar general and secretary to the convent with the assignment of pressuring the chapter to vote in Anne-Marie's favor. In a highly irregular election, she was accepted for profession by a rigged vote of seven to six. During

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45. Her ailment is variously described as smallpox (*variolo, vaiolo*) and measles (*morviglione, morbillo*). The latter, attested to by (among others) the patient and the physician who treated her, seems more probable. Pos. 776 (27 January *pars* 2 and 10 February *pars* 1 1748), Avinonen., Fauque, *Summarium* ([Rome]: De Comitibus, 1747), A3r (testimony of Fauque, 21 October 1745), C1v (testimony of the physician Arnaud Gabriel de Pyrella, MD, 7 August 1745).

46. Ibid., C2r (Jeanne-Claire de Fayard to Anne-Marie Fauque, n.d.)

47. On eighteenth-century Jansenism and the Convulsionnaires, see *Les convulsionnaires de Saint-Médard,* esp. 170–74; and Loupès, 44–47. I am grateful to Marta Pieroni Francini for these references. In her pretense of Jansenism, Fauque apparently did not go so far as to feign fits.

48. *ThR* 17: 9 (27 January 1748): "Jansenius et Parisius in ore erant."

49. One of these may have been Pasquier Quesnel's *Abrégé de la morale de l'Évangile* (1671). 101 propositions from this book were condemned in Pope Clement XI's bull *Unigenitus* (1713).

the profession ceremony on 21 January 1738, she did not pronounce the required formula but, as mentioned earlier, mumbled "a few indifferent words" that no one could understand.[50] Since the nuns refused to prepare articles of profession for her to sign, the archbishop's secretary had to write them out.[51]

Soon thereafter, a confessor informed Anne-Marie Fauque that a claim for release from her vows had to be made within five years; but as long as her mother and Archbishop Gontieri remained on the scene, she considered it impossible to petition her ordinary for release. She did, however, make a notarized declaration of protest, urging those who witnessed the document not to breathe a word about it.[52] Year after year, before the required annual renewal of her vows, she protested to her confessors.[53] Not long after her mother's death in early November 1743,[54] she petitioned the pope for *restitutio in integrum*. On 13 June 1744 the SCC ordered that Archbishop Joseph de Guyon de Crochons, who had replaced Gontieri in 1742, conduct an investigation of her claim.[55] In the opinion of Furietti and the cardinal-members of the SCC, the unanimous testimony furnished by Fauque and eight nuns amply refuted the contention, presented in a countersuit by two of her sisters, that their kind, loving mother would never have forced her into religious life.[56] On 10 February 1748 the SCC authorized her release.[57]

As well as tugging at the cardinals' heartstrings, Furietti rang other rhetorical changes intended to provoke emotion. Michele Gallo, father of Paolo (the future Capuchin Fedele da Torricella, diocese of Montefeltro), was such a violent and fearsome man that everyone tried to stay out of his way. His shouted threats and the lamentations of his wife and daughters resonated throughout the neighborhood.[58] When the father of João Pereira de Sousa of Lisbon (the future João do Espiritu Santo) was threatening to send him to the Indies, asserted Furietti, the "fraudulent counsel of his [João's] relatives"

50. Pos. 776 *Summarium,* A2r-5r (testimony of Fauque, 21 October 1745).
51. Ibid., A8v-9r (*articuli* prepared by Fauque's attorneys).
52. Ibid., A4v-5r (testimony of Fauque, 21 October 1745).
53. Ibid., A9r (*articuli* prepared by Fauque's attorneys).
54. Ibid.
55. PRP 57. On Gontieri's death and the appointment of Guyon de Crochans, see *HC* 5: 109, 6: 111.
56. Pos. 776, *Summarium* for Françoise Fauque de Donadei and Thérèse Fauque ([Rome]: De Comitibus, 1748).
57. LD 98: 61r.
58. *ThR* 13: 39–41 (8 February 1744).

led him to don the Discalced Augustinian habit.[59] Summarizing the case of Costantino Gaudi (Ambrogio), who had been thrust into a Dominican house in Monopoli by his brother Crisante, he described with apparent relish the condign punishment of the forcer, who died "corrupted by madness and frenzy."[60] The Observant Franciscans in Lucera—"as always, deaf dogs," he sarcastically observed—refused to heed the protestations of Niccolò Cataneo (Arcangelo Maria da Torre Maggiore) that his father and stepmother were forcing him to become a friar.[61]

The profreedom rhetoric employed by Furietti to favor petitioners' causes did not always achieve its purpose: the SCC rejected the petitions of Gallo, Gaudi, Cataneo, Pereira, and many others whom he supported. As the graphs above show, the final decade of his long tenure as secretary is the last in which a majority of male petitions were rejected, the only one in which a majority of female petitions were turned down, and the beginning of the marked decline in the number of both cases initiated and those decided. Nor did Furietti's new, "engaged" approach to writing summaries set a precedent that future secretaries would follow. His immediate successor, Giuseppe Simonetti, rehearsed arguments for and against petitioners at even greater length and provided more extensive legal context than Furietti, but his exposition was not rhetorically loaded in petitioners' favor. Neither Simonetti nor the five other secretaries who held the post until 1793 elected to speak the language of liberty. Petitioners' attorneys and witnesses uttered only the occasional word from that lexicon.

Some skeptics might dismiss Furietti's "freedom language" as an unimportant blip on the rhetorical screen. Because his Latin opinions had very limited circulation, his use of the language of liberty could not have exerted much influence beyond members of the SCC and the attorneys who appeared before that body; they represent a sign rather than a cause of changing attitudes. Before a new concept of adolescents' freedom of vocational choice could be widely accepted, I believe, it had to become potentially "thinkable." Evidence about the decisions made by parents about their offspring's futures in Milan and Toulouse hints that this was beginning to happen in the mid-eighteenth century. For reasons that remain to be identified, some elite parents were apparently starting to take seriously and to respect their offspring's inclinations and disinclinations about the status they would assume in adult

59. *ThR* 18: 71–72 (20 December 1749). An unusual feature of this case is worth noting: the favored sibling to whom Pereira's parents wanted to direct the entire patrimony was his sister.

60. *ThR* 18: 20 (1 March 1749).

61. *ThR* 21: 56 (29 July 1752).

life—a long, slow development that would come to full fruition only in the nineteenth century. Perhaps elders were also becoming less inclined to insist that their own will and their patrimonial imperatives trumped the Church's longstanding insistence that entry into marriage or monastic life involved a contract—a pact requiring the free consent of both parties. These pieces of indirect evidence suggest that in the mid-eighteenth century, the era of forced monachization was perhaps beginning gradually to come to an end. But that is a subject for another book.

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